



Western Cape Government • Wes-Kaapse Regering

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

Provincial Gazette

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INHOUD

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TENDERS

N.B. Tenders for commodities/services, the estimated value of which exceeds R20 000, are published in the Government Tender Bulletin, which is obtainable from the Government Printer, Private Bag X85, Pretoria, on payment of a subscription.

NOTICES BY LOCAL AUTHORITIES**CAPE AGULHAS MUNICIPALITY****REMOVAL OF RESTRICTIVE CONDITION(S): ERF 502 STRUISBAAI****CAPE AGULHAS BY-LAW ON MUNICIPAL LAND USE PLANNING**

Notice is hereby given that the Authorised Employee on 15 May 2020, removed conditions B(5), B(6) and C applicable to Erf 502 Struisbaai as contained in Title Deed T34006/2019 in terms of section 33(7) of the Cape Agulhas By-law on Municipal Land Use Planning.

29 May 2020

20176

CITY OF CAPE TOWN**APPOINTMENT OF TWO VALUATION APPEAL BOARDS MEMBERS**

In Terms of Section 58 of the Municipal Property Rates Act, 2004 (Act 6 of 2004) notice is hereby given for the appointment of the members for valuation Appeal Boards for the area of jurisdiction of City of Cape Town Municipality.

The members appointed for the two (2) valuation Appeal Boards, respectively, are as follows:

Valuation Appeal Board No 1

Chairperson: Adv M Coetzee;

Valuer/Members: Mr R Wade; and
Mr C Gavor.

Valuation Appeal Board No 2

Chairperson: Mr M Esau;

Valuer/Members: Mr H Wiggins; and
Ms K van der Vyver.

Alternate Members: Ms CL Douglas;
Ms NR Ginsberg; and
Mr NC Clough.

Dated at Cape Town on this 21st day of May 2020.

**MR AW BREDELL
MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL
AFFAIRS AND DEVELOPMENT PLANNING**

29 May 2020

20177

HESSEQUA MUNICIPALITY**ERF 909 ALBERTINIA:
UPLIFTMENT OF RESTRICTIVE CONDITIONS**

Notice is hereby given in terms of Section 15(2)(d) & 15(2)(b) & 15(2)(f) of the Hessequa Municipality: By-law on Municipal Land Use Planning, 2015, (P.K. 287 van 2015) that the restrictive conditions E 5(a), (b), (c) & (d) from Title Deed Number T60243/2010, applicable on Erf 909 Albertinia be uplifted

29 May 2020

20179

TENDERS

L.W. Tenders vir kommoditeite/dienste waarvan die beraamde waarde meer as R20 000 beloop, word in die Staatstenderbulletin gepubliseer wat by die Staatsdrukker, Privaatsak X85, Pretoria, teen betaling van 'n intekengeld verkrygbaar is.

KENNISGEWINGS DEUR PLAASLIKE OWERHEDE**KAAP AGULHAS MUNISIPALITEIT****OPHEFFING VAN BEPERKENDE VOORWAARDE(S): ERF 502 STRUISBAAI****KAAP AGULHAS VERORDENINGE OP MUNISIPALE GRONDGEBRUIKBEPLANNING**

Hiermee word kennis gegee dat die Gemagtigde Werknemer op 15 Mei 2020, voorwaardes B(5), B(6) en C wat betrekking het op Erf 502 Struisbaai soos vervat in Transportakte T34006/2019, ingevolge artikel 33(7) van die Kaap Agulhas Verordeninge op Munisipale Grondgebruikbeplanning opgehef het.

29 Mei 2020

20176

STAD KAAPSTAD**AANSTELLING VAN TWEE WAARDASIE-APPÈLRADELEDE**

Kennis word gegee Kragtens Artikel 58 van die Munisipale Eiendomsbelastingwet (Wet nr. 6 van 2004) vir die aanstelling van die Waardasie-Appèlradelede vir die regsgebied van die Stad Kaapstad Munisipaliteit.

Die lede wat aangestel is vir die twee (2) Waardasie Appèlrade is soos volg:

Waardasie Appèlraad Nr 1

Voorsitter: Adv M Coetzee;

Waardeeder/Lid: Mnr R Wade; en
Mnr C Gavor.

Waardasie Appèlraad Nr 2

Voorsitter: Mnr M Esau;

Waardeeder/Lid: Mnr H Wiggins; en
Me K van der Vyver.

Alternatiewe Lede: Me CL Douglas;
Me NR Ginsberg; en
Mnr NC Clough.

Gedateer te Kaapstad op hierdie 21ste dag van Mei 2020.

**MNR AW BREDELL
MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE
EN ONTWIKKELINGSBEPLANNING**

29 Mei 2020

20177

HESSEQUA MUNISIPALITEIT**ERF 909 ALBERTINIA:
OPHEFFING VAN BEPERKENDE VOORWAARDES**

Kennis word hiermee gegee in terme van Artikel 15(2)(d) & 15(2)(b) & 15(2)(f) van die Hessequa Munisipaliteit: Verordening op Grondgebruikbeplanning, 2015, (P.K. 287 van 2015) dat die beperkende voorwaardes E 5(a), (b), (c) & (d) uit Titelakte Nummer T60243/2010, van toepassing op Erf 909 Albertinia, opgehef word.

29 Mei 2020

20179

SWARTLAND MUNICIPALITY

NOTICE 71/2018/2019

CLOSURE OF CHARLES MALHERBE AVENUE IN MOORREESBURG

Notice is hereby given in terms of section 55(1)(f) of Swartland Municipality: By-law on Municipal Land Use Planning (PG 7741 of 3 March 2017) that Charles Malherbe Avenue in Moorreesburg has been closed. (S/9466 v4 P66)

JJ SCHOLTZ, MUNICIPAL MANAGER, Municipal Offices, Private Bag X52, MALMESBURY, 7299

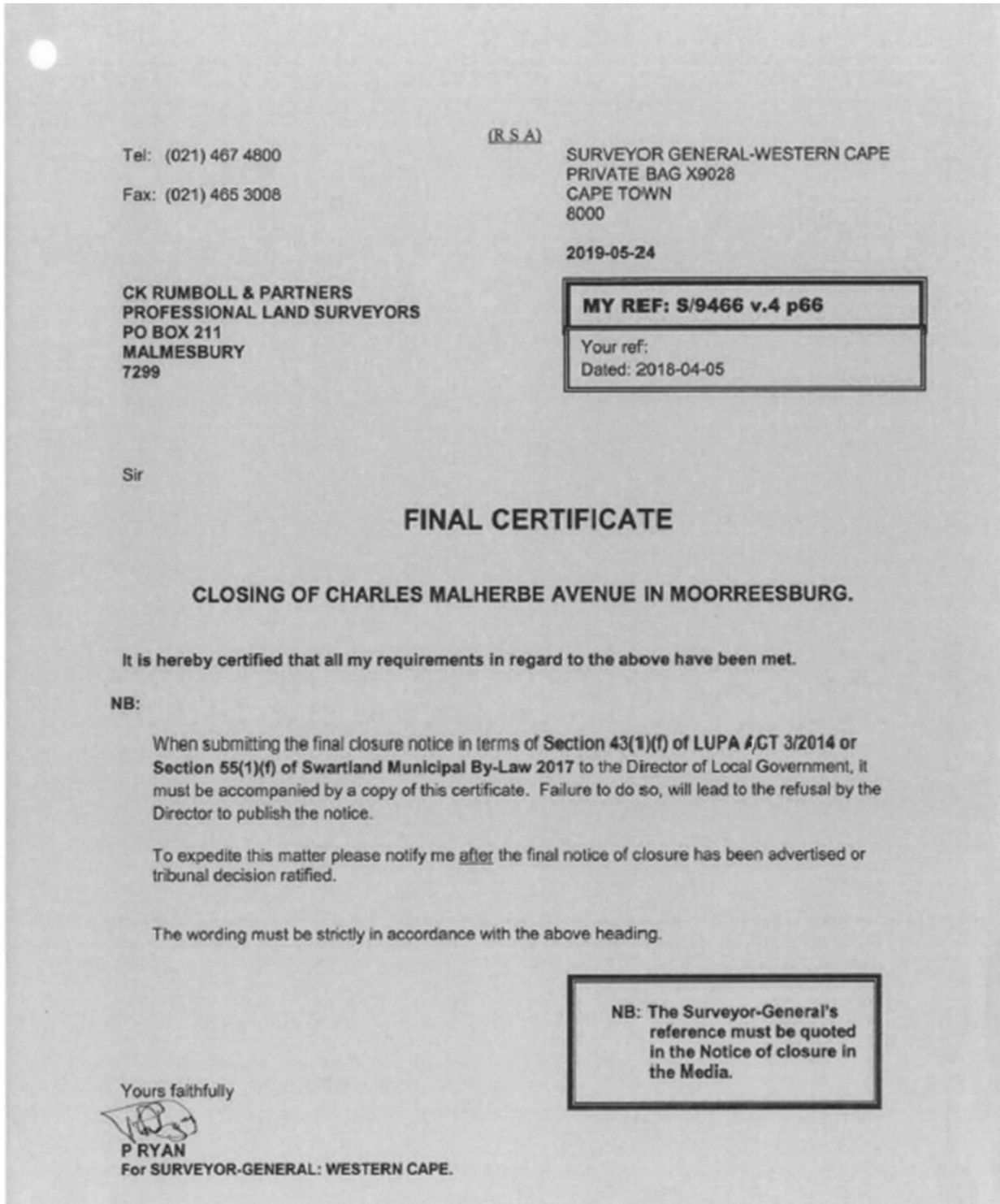
SWARTLAND MUNISIPALITEIT

KENNISGEWING 71/2019/2020

SLUITING VAN CHARLES MALHERBELAAN IN MOORREESBURG

Kennis geskied hiermee ingevolge artikel 55(1)(f) van Swartland Munisipaliteit se Verordening op Munisipale Grondgebruikbeplanning (PG 7741 van 3 Maart 2017) dat Charles Malherbelaan in Moorreesburg gesluit is. (S/9466 v4 P66)

JJ SCHOLTZ, MUNISIPALE BESTUURDER, Munisipale Kantore, Privaatsak X52, MALMESBURY, 7299



BEAUFORT WEST MUNICIPALITY

Notice No. 79/2020

CLOSURE OF A PORTION OF PUBLIC PLACE:
ERF 1770: MURRAYSBURG

Notice is hereby given in terms of Section 45(1)(f) of the By-Law on Municipal Land Use Planning for Beaufort West Municipality, 2019, Notice No. 21/2019 that a portion of public place, erf 1770 Murraysburg indicated as Portion "A" on the attached diagram, has been closed.

Reference: **Murraysburg TSHP.744 v.1 p233**

KJ Haarhoff, MUNICIPAL MANAGER, Municipal Offices, 112 Donkin Street, BEAUFORT WEST, 6970

Ref. Nr. 13/3/2/5

BEAUFORT-WES MUNISIPALITEIT

Kennisgewing Nr. 79/2020

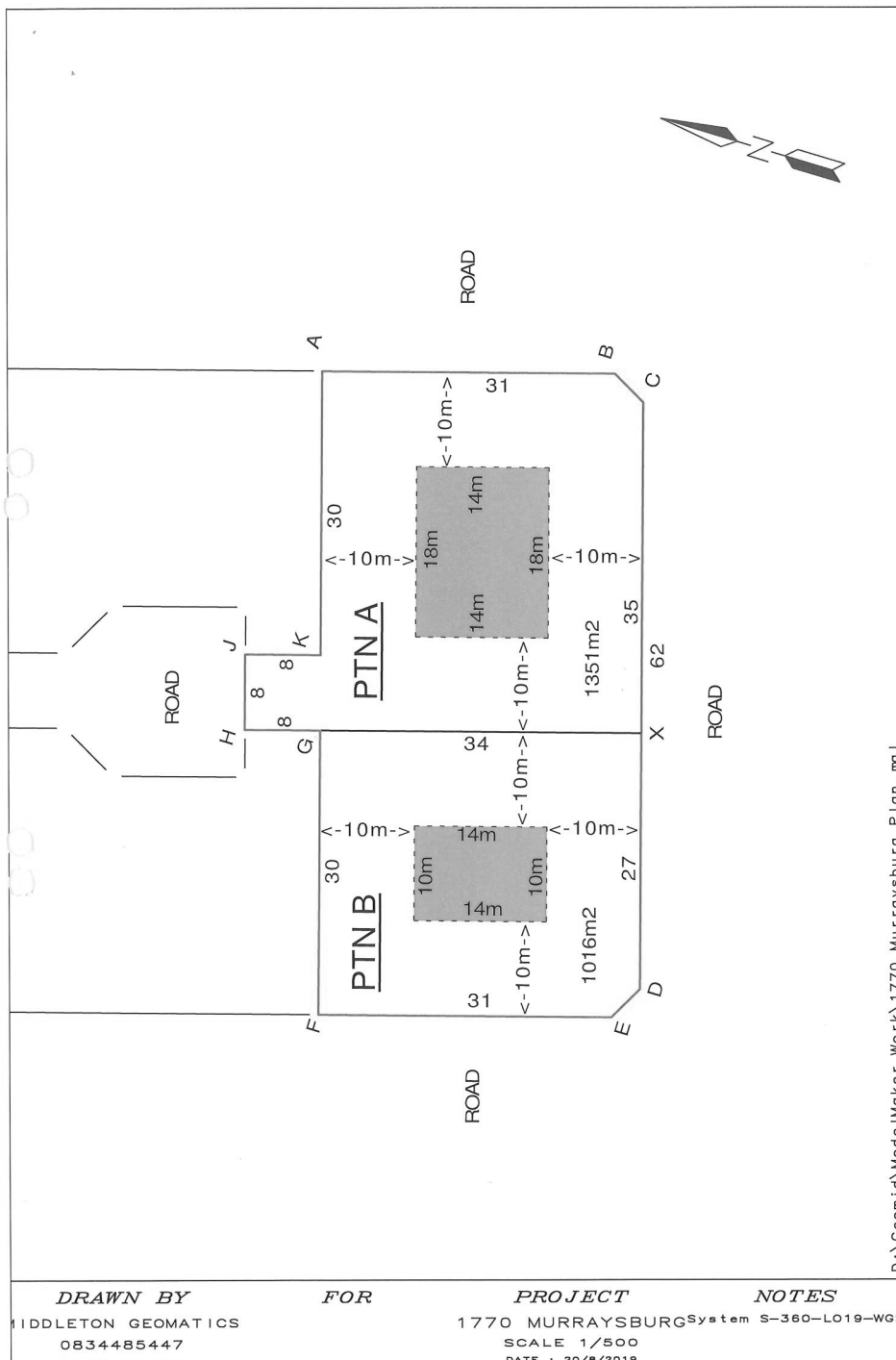
GEDEELTELIKE SLUITING VAN OPENBARE PLEK:
ERF 1770: MURRAYSBURG

Kennisgewing geskied hiermee ingevolge die bepalings van Artikel 45(1)(f) van die Verordening op Munisipale Grondgebruikbeplanning vir Beaufort-Wes Munisipaliteit, 2019, Kennisgewing Nr. 21/2019 dat 'n gedeelte van openbare plek, erf 1770 Murraysburg aangedui as Gedeelte "A" op die meegaande diagram, nou gesluit is.

Verwysing: **Murraysburg TSHP.744 v.1 p233**

KJ Haarhoff, MUNISIPALE BESTUURDER, Munisipale Kantore, Donkinstraat 112, BEAUFORT-WES, 6970

Verw. Nr. 13/3/2/5



DRAWN BY	FOR	PROJECT	NOTES
MIDDLETON GEOMATICS 0834485447		1770 MURRAYSBURG	System S-360-LO19-WGS SCALE 1/500 DATE : 20/8/2019

BEAUFORT WEST MUNICIPALITY

Notice No. 80/2020

**APPLICATION FOR REZONING, CONSENT USE
AND REMOVAL OF RESTRICTIVE TITLE CONDITION:
ERF 227, 10 BARNES AVENUE: NELSPOORT**

Notice is hereby given in terms of Section 61 of the Municipal Land Use Planning By-Law for Beaufort West Municipality, Notice No. 21/2019, that, in terms of Section 60, the Authorized Officer has **refused** the application **in whole** for the **rezoning of erf 227** from **Residential Zone I to Business Zone I** with a **consent use** for a liquor store and the **removal of a restrictive title condition**, 10 Barnes Road, Nelspoort.

1. That the following applications applicable to **Erf 227, 10 Barnes Road, Nelspoort**:—
 - (a) **Rezoning of Erf 227, Nelspoort** from Residential Zone I to Business Zone I, in terms of Section 15.2(a) of the Beaufort West Municipal Land Use Planning By-law, 2019 to permit a business building;
 - (b) **Consent Use** in terms of Section 15.2(o) of the Municipal Land Use Planning By-Law for Beaufort West, 2019 in order to operate a liquor store from the business building; and
 - (c) **Removal of Restrictive Title Condition B4** in Title Deed T40539/2018 in terms of Section 15.2(f) of the Beaufort West Municipal Land Use Planning By-law, 2019, limiting the use of the property to a single dwelling be.

REFUSED IN WHOLE in terms of Section 60 of the Municipal Land Use Planning By-Law for Beaufort West, 2019, subject to the following conditions as imposed under Section 66 of the said By-law.

2. The reasons for the decision are as follows:

- (2.1) The proposed development is not compatible with the standing residential character of the area;
- (2.2) A liquor store will have a negative impact on the long-term quality of the residential environment and is not in the interest of the surrounding community.
- (2.3) The property does not have the location factors that make it favorable for the development of a future business node.

Any person whose rights are affected by the above decision and or conditions may appeal to the Appeal Authority by submitting a written appeal to the Municipal Manager, Beaufort West Municipality, Private Bag 582, 112 Donkin Street, Beaufort West, 6970, so to reach the undersigned within **21 days** from the date of publication of this notice. Official appeal forms are available on request from Mrs. E. du Plessis at Tel. No. 023-414 8117 or e-mail: admin@beaufortwestmun.co.za.

Ref. No. 12/4/4/2; 12/3/2; 12/4/1

KJ Haarhoff, MUNICIPAL MANAGER, Municipal Offices, 112 Donkin Street, BEAUFORT WEST, 6970

29 May 2020

20183

BEAUFORT-WES MUNISIPALITEIT

Kennisgewing Nr. 80/2020

**AANSOEK OM HERSONERING, VERGUNNINGSGEBRUIK
EN OPHEFFING VAN BEPERKENDE TITELVOORWAARDE:
ERF 227, BARNESWEG 10: NELSPOORT**

Kennis geskied hiermee ingevolge Artikel 61 van die Verordening op Munisipale Grondgebruikbeplanning vir Beaufort-Wes Munisipaliteit, Kennisgewing No. 21/2019, dat die Gemagtigde Beampte ingevolge Artikel 60 die aansoek vir die **hersonering van erf 227** vanaf **Residensiële Sone I na Sakesone I** met **vergunningsgebruik** vir drankwinkel en die **opheffing van beperkende titelvoorwaarde, Barnesweg 10, Nelspoort, ingeheel afgekeur** het.

1. Dat die volgende aansoek van toepassing is op **Erf 227, Barnesweg 10, Nelspoort**:—
 - (a) **Herersonering** van **Erf 227, Nelspoort** vanaf **Residensiële Sone I na Sakesone I**, in terme van Artikel 15.2(a) van die Verordening op Munisipale Grondgebruikbeplanning vir Beaufort-Wes, 2019 ten einde 'n sakegebou toe te laat;
 - (b) **Vergunningsgebruik** in terme van Artikel 15.2(o) van die Verordening op Munisipale Grondgebruikbeplanning vir Beaufort-Wes, 2019 ten einde 'n drankwinkel vanaf die sakegebou te bedryf; en
 - (c) **Opheffing van Beperkende Titelvoorwaarde B4** in Titeakte T40539/2018 in terme van Artikel 15.2(f) van die Verordening op Munisipale Grondgebruikbeplanning vir Beaufort-Wes, 2019, wat die aanwending van die eiendom tot 'n enkel woonhuis beperk.

INGEHEEL AFGEKEUR WORD in terme van Artikel 60 van die Verordening op Munisipale Grondgebruikbeplanning vir Beaufort-Wes, 2019, onderworpe aan die onderstaande voorwaardes soos opgelê ingevolge Artikel 66 van die genoemde verordening.

2. Die redes vir die besluitneming is soos volg:

- (2.1) Die voorgestelde ontwikkeling is nie versoenbaar met die staande residensiële karakter van die area nie;
- (2.2) 'n Drankwinkel sal 'n negatiewe invloed op die langtermyn kwaliteit van die residensiële leefomgewing hê en is nie in belang van die omliggende gemeenskap nie.
- (2.3) Die eiendom beskik nie oor die liggingsfaktore wat dit gunstig maak vir die ontwikkeling van 'n toekomstige sakendus nie.

Enige persoon wie se regte geraak word deur die bogenoemde besluit en of toestande kan 'n beroep op die appèl-owerheid deur 'n skriftelike appèl aan die Munisipale Bestuurder, Beaufort-Wes Munisipaliteit, Private Bag 582, Donkinstraat 112, Beaufort-Wes, 6970, te rig om die ondergetekende te bereid binne **21 dae** vanaf datum van publikasie van hierdie kennisgewing. Amptelike appèlvorm is beskikbaar op aanvraag by mev. E. du Plessis by Tel. No 023-414 8117 of e-pos: admin@beaufortwestmun.co.za.

Verw. Nr. 12/4/4/2; 12/3/2; 12/4/1

KJ Haarhoff, MUNISIPALE BESTUURDER, Munisipale Kantore, Donkinstraat 112, BEAUFORT-WES, 6970

29 Mei 2020

20183

CITY OF CAPE TOWN

CITY OF CAPE TOWN MUNICIPAL PLANNING
BY-LAW, 2015 CITY OF CAPE TOWN

Notice is hereby given in terms of the requirements of section 48(5)(a) of the City of Cape Town Municipal Planning By-Law, 2015 that the City has on application By **D & S Planning Studio**, deleted restrictive title deed conditions as contained in Title Deed No **T50030/1990**, in respect of Erf 2544, No 5 Ronald Road, Camps Bay, in the following manner:

Deletion of restrictive title deed conditions:

A.1 Condition B.II.1 (b): "That only one dwelling, together with such outbuildings as are ordinarily required to be used therewith be erected on the erf, save as provided in condition (c) hereof.

A.2 Condition B.II.1 (d): "That not more than one-half of this erf be built upon."

A.3 Condition B.II.1 (e): "That no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to street line which forms the boundary of this erf, save that a garage intended as an adjunct to a building and not exceeding 3,05 metres in height, measured from the floor to the top of the parapet or half the height of the roof whichever is the higher, may be erected in such position that the distance between the garage and the street line which forms the boundary of this erf shall not be less than the value of x as expressed by the following equation, when x is a distance less than that otherwise prescribed as the building line for this erf:

$$x = 1/s [h2 + 400x - (h + 20s)]$$

Where s is the factor of rise in accordance with the mean gradient of the land to be actually excavated for the erection of the garage such gradient to be measured at right angles to and from a point on the street boundary vertically opposite to the centre of that side of the garage which is most clearly parallel to the street boundary of the erf and h is the difference between the mean level of the floor of the garage and the mean ground level at a point on the street boundary vertically opposite the centre of that side of the garage which is most nearby parallel to the street boundary of the erf, such difference to be positive or negative as the floor level of the garage is respectively below or above the mean ground level at the point specified.

Notwithstanding the foregoing, however, a garage shall not be erected nearer than 1,41 metres to the street line which forms a boundary of this erf and where no portion of a garage projects above the level of the ground immediately adjoining any side of such garage other than the side which is most nearly parallel to the street boundary of the erf, the corner of the bank at the intersection of the street boundary and the prolongation of those sides of the garage which are most nearly at right angles to such street boundary shall be splayed in such a manner that the land cut off from the corner shall be in form of an isosceles triangle the equal sides of which shall be not less than 1,41 metres."

A.4 Condition B.1 (f): "That no building or structure or any portion thereof, except boundary walls, fences and an outbuilding not exceeding 3,05 metres in height, measured from the floor to the top of the parapet or half the height of the roof, whichever is higher, and no portion of which is used for human habitation, shall be erected nearer than 1,57 metres to the lateral boundary common to this and any adjoining erf."

Condition C(d) Purchasers shall likewise be obliged to set back such building or buildings to a line of building frontage approved of by the Company, which shall be ten feet from the back line of the footway in each street.

29 May 2020

20184

STAD KAAPSTAD

STAD KAAPSTAD VERORDENING OP MUNISIPALE
BEPLANNING, 2015

Kennis geskied hiermee ingevolge die vereistes van artikel 48(5)(a) van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015 dat die Stad na aanleiding van die aansoek deur **D & S Planning Studio** op die volgende wyse beperkende titelakteenwaardes ten opsigte van Erf 2544, Ronaldweg 5, Kampsbaai, soos vervat in titelakte no. **T50030/1990**, geskrap het (vertaal):

Skrapping van beperkende titelakteenwaardes:

A.1 Voorwaarde B.II.1 (b): "Dat slegs een woning, tesame met sodanige buitegeboue as wat gewoonlik daarmee saam gebruik word op die erf opgerig mag word, buiten soos in (c) hiervan bepaal."

A.2 Voorwaarde B.II.1 (d): "Dat nie meer as een helfte van hierdie erf bebou mag word nie."

A.3 Voorwaarde B.II.1 (e): "Dat geen gebou of struktuur of enige gedeelte daarvan, buiten grensmure of heinings, nader as 4,72 meter is aan die straatlyn wat die grens van hierdie erf uitmaak nie, buiten dat 'n buitegebou wat as 'n toevoegsel by 'n gebou bedoel is en nie hoër as 3,05 meter is nie, gemeet van die vloer tot die bokant van die borswering of die helfte van die dak wat ook al die hoogste is, opgerig mag word op so 'n posisie dat die afstand tussen die motorhuis en die straatlyn wat 'n grens van hierdie erf uitmaak, nie minder is as die waarde van x soos uitgedruk deur die volgende vergelyking nie, waar x 'n afstand is wat minder is as wat as die boulyn vir hierdie erf voorgeskryf is:

$$x = 1/s [h2 + 400x - (h + 20s)]$$

waar 's' die gemiddelde gradiënt is van die grond wat werklik uitgegrawe moet word vir die oprigting van die motorhuis, welke gradiënt gemeet moet word reghoekig vanaf en na 'n punt op die straatgrens vertikaal regoor die middel van daardie kant van die motorhuis wat die naaste aan parallel aan die straatgrens van die erf is, en 'h' die verskil tussen die gemiddelde grondvlak op 'n punt op die straagrens vertikaal regoor die middel van daardie kant van die motorhuis wat die naaste aan parallel aan die straatgrens van die erf is, welke verskil positief of negatief moet wees afhangende daarvan of die vloervlak van die motorhuis bo of onder die gemiddelde grondvlak op die gespesifiseerde punt is.

Nieteenstaande die voormelde mag 'n motorhuis nie nader as 1,41 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, opgerig word nie en waar geen gedeelte van 'n motorhuis aangrensend aan enige kant van sodanige motorhuis bo die grondvlak onmiddellik aangrensend aan enige kant van sodanige motorhuis uitsteek buiten die kant wat die naaste aan parallel met die straatgrens van die erf is, die hoek van die wal by die kruising van die straatgrens en die verlenging van dié kante van die motorhuis wat die mees reghoekig met sodanige straatgrens is, op so 'n wyse afgeskuins moet wees dat die grond wat van die hoek afgesny sal word in die vorm van 'n gelykbenige driehoek is waarvan die gelyke sye nie minder as 1,41 meter sal wees nie."

A.4 Voorwaarde B.1 (f): "Dat geen gebou of struktuur of enige gedeelte daarvan, buiten grensmure, heinings en 'n buitegebou van uiters 3,05 meter, gemeet van die vloer tot die bokant van die borswering of die helfte van die hoogte van die dak, wat ook al die hoogste is, en geen gedeelte wat vir menslike bewoning gebruik word nie, opgerig mag word nader as 1,57 meter van die laterale grens gemeenskaplik aan hierdie en enige aangrensende erf nie."

Voorwaarde C(d): Kopers is eweneens verplig om sodanige gebou of geboue terug te set tot 'n gebouvooraansig-lyn wat deur die maatskappy goedgekeur is, wat tien voet vanaf die agterste lyn van die voetpad in elke straat moet wees.

29 Mei 2020

20184

OUTDSHOORN MUNICIPALITY

NOTICE NUMBER 116 OF 2020

**NOTICE OF PROPOSED DRAFT
INTEGRATED ZONING SCHEME REGULATION FOR
OUTDSHOORN MUNICIPALITY**

Notice is hereby given that Oudtshoorn Municipality intends to adopt an Integrated Zoning Scheme By-law for Oudtshoorn, in terms of Section 12 of the Municipal Systems Act, 2000 (Act 32 of 2000) and Section 24 (1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and Section 22 (1) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) and is hereby released for **public participation for a period of 30 days, though from 2 June till 1 July 2020**

A Zoning Scheme is a legal document that sets out development guidelines and constraints to control land uses and the development of immovable property. A Zoning Scheme affects all landowners by determining and controlling land use rights on all properties and imposing development rules (zoning, building lines, densities and height restrictions, etc.). The proposed Oudtshoorn Integrated Zoning Scheme By-law will replace all existing Zoning Scheme Regulations applicable to the Oudtshoorn Municipal Area.

Notice is hereby given that the DRAFT Oudtshoorn Integrated Zoning Scheme and the Zoning Maps and can be made available for viewing until 1 July 2020 as follows:

- (i) Hard copy, Tuesdays and Thursdays from 09:00 to 12:00, at Department: Planning & Development, Oudtshoorn Municipal Office, 92 St. John Street;
- (ii) Electronic format on Oudtshoorn Municipality's website, during the above mentioned 30 days comment period.

The municipality hereby invites all interested parties to comment on the DRAFT Oudtshoorn Integrated Zoning Scheme By-law. Any suggestions and inputs that are submitted will be considered during the finalization of the final DRAFT Oudtshoorn Integrated Zoning Scheme By-law and before it is presented to Council for final decision.

Although all measures have been taken to ensure that the new zoning of a property corresponds to the current zoning, it is the responsibility of each property owner to determine whether the correct land use rights have been granted.

Written submissions or disputes regarding allocated zonings can be submitted to the Department: Planning and Development, Oudtshoorn Municipality, PO Box 255, Oudtshoorn, 6625, by no later than 1 July 2020. Persons who cannot write can make their input verbally at the municipal offices of the Department: Planning, where an official will assist in writing the comments. Inquiries can be directed to Department: Planning (044) 203 3000 or per email to the Town Planner gilbert@oudtmun.gov.za.

**MR R SMIT
ACTING MUNICIPAL MANAGER**

29 May 2020

20185

OUTDSHOORN MUNISIPALITEIT

KENNISGEWING NR 116 VAN 2020

**KENNISGEWING VAN VOORGESTELDE KONSEP
GEÏNTEGREERDE SONERINGSKEMA VERORDENING VIR
OUTDSHOORN MUNISIPALITEIT**

Kennis word hiermee gegee dat Oudtshoorn Munisipaliteit van voorneme is om 'n Geïntegreerde Soneringskema Verordening vir Oudtshoorn aan te neem, in gevolge Artikel 12 van die Munisipale Stelselwet, 2000 (Wet 32 van 2000) en Artikel 24(1) van die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet 16 van 2013) en Artikel 22(1) van die Wes-Kaapse Wet op Grondgebruikbeplanning, 2014 (Wet 3 van 2014), en word hiermee vrygestel vir **publieke deelname vir 'n periode van 30 dae, welke vanaf 2 Junie 2020 tot 1 Julie 2020**.

'n Soneringskema is 'n egisdokument wat ontwikkelingsriglyne en beperkinge daarstel om grondgebruik en die ontwikkeling van onroerende eiendom te beheer. 'n Soneringskema affekteer alle grondeienaars deurdat dit grondgebruik regte op alle eiendomme bepaal en beheer en ook ontwikkelingsreëls oplê (sonerings, boulyne, digtheid en hoogtebeperkings, ens.). Die voorgestelde Oudtshoorn Geïntegreerde Soneringskema Verordening sal alle bestaande Soneringskema Regulasies van toepassing op die Oudtshoorn Munisipale area, vervang.

Kennis word hiermee gegee dat die KONSEP Oudtshoorn Geïntegreerde Soneringskema Verordening en Soneringskaart tot en met 1 Julie 2020, as volg beskikbaar sal wees vir besigtiging:

- (i) Harde kopie, Dinsdae en Donderdae vanaf 09:00 tot 12:00, te Departement: Beplanning & Ontwikkeling, Oudtshoorn Munisipale kantoor, St.Johnstraat 92;
- (ii) Elektroniese formaat op Oudtshoorn Munisipaliteit se web-tuiste, gedurende die bogenoemde 30 dae kommentaartydperk.

Die Oudtshoorn Munisipaliteit rig hiermee 'n uitnodiging aan alle belanghebbende partye om kommentaar te lewer op die KONSEP Geïntegreerde Soneringskema Verordening. Enige voorstelle en insette wat gelewer word sal eers oorweeg word, alvorens 'n finale KONSEP Geïntegreerde Soneringskema Verordening aan die Raad van Oudtshoorn Munisipaliteit voorgelê vir vir finale besluitneming.

Alhoewel alle maatreëls getref is om te verseker dat die nuwe sonering van 'n eiendomme, ooreenstem met die huidige sonering, berus die verantwoordelikheid by elke grondeenaar om vas te stel of die korrekte grondgebruiksregte toegeken is.

Geskrewe voorleggings of dispuute rakende toegekende sonerings kan ingedien word by die Departement: Beplanning en Ontwikkeling, Oudtshoorn Munisipaliteit, Posbus 255, Oudtshoorn, 6625, teen nie later as 1 Julie 2020. Persone wat nie kan skryf nie, kan hulle insette mondelings by die munisipale kantore van die Departement: Beplanning doen, waar 'n amptenaar behulpsaam sal wees om die kommentaar op skrif te stel. Navrae kan gerig word aan Departement: Beplanning (044) 203 3000 of per e-pos by die Stadsbeplanner gilbert@oudtmun.gov.za.

**MNR R SMIT
WAARNEMENDE MUNISIPALE BESTUURDER**

29 Mei 2020

20185

LANGEBERG MUNICIPALITY RE-APPOINTMENT OF VALUATION APPEAL BOARD MEMBERS	LANGEBERG MUNISIPALITEIT HERAANSTELLING VAN WAARDASIE-APPÈLRAADSLEDE
In terms of Section 60 of the Municipal Property Rates Act, 2004 (Act 6 of 2004) notice is hereby given for the re-appointment of valuation Appeal Board members for the area of jurisdiction of Langeberg Municipality.	Kennis word gegee Kragrens Artikel 60 van die Munisipale Eiendomsbelastingwet (Wet nr. 6 van 2004) vir die her-aanstelling van Waardasie-Appèlraadslede vir die regsgebied van Langeberg Munisipaliteit.
The members re-appointed for the the Valuation Appeal Board are as follows:	Die lede wat her-aangestel is vir die Waardasie-Appèlraad is soos volg:
Chairperson: Mr BC Esterhuysen;	Voorsitter: Mnr BC Esterhuysen;
Member/Valuer: Mr NH Marais;	Lid/Waardeerder: Mnr NH Marais;
Member/Alternate Valuer: Mr PA Gerber;	Lid/Alternatiewe Waardeerder: Mnr PA Gerber;
Member/Alternate Valuer: Mr H Wiggins; and	Lid/Alternatiewe Waardeerder: Mnr H Wiggins; en
Member: Ms F de Toit	Lid: Ms F de Toit
Dated at Cape Town on this 25th day of May 2020.	Gedateer te Kaapstad op hierdie 25ste dag van Mei 2020.
MR AW BREDELL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING	MNR AW BREDELL MINISTER VAN PLAASLIKE REGERING, OMGEWINGSKAKE EN ONTWIKKELINGSBEPLANNING
29 May 2020 20178	29 Mei 2020 20178

WESTERN CAPE GAMBLING AND RACING BOARD

NOTICE

RECEIPT OF AN APPLICATION FOR A MANUFACTURER LICENCE, A BOOKMAKER LICENCE AND A BOOKMAKER PREMISES LICENCE

IN TERMS OF THE PROVISIONS OF SECTION 32(2) OF THE WESTERN CAPE GAMBLING AND RACING ACT, 1996 (ACT 4 OF 1996) (“THE ACT”), AS AMENDED, THE WESTERN CAPE GAMBLING AND RACING BOARD HEREBY GIVES NOTICE THAT THE FOLLOWING APPLICATION FOR A MANUFACTURER LICENCE, AS PROVIDED FOR IN SECTIONS 27(f), AND 50 OF THE ACT, A BOOKMAKER LICENCE, AS PROVIDED FOR IN SECTIONS 27(k) AND 55 OF THE ACT, A BOOKMAKER PREMISES LICENCE, AS PROVIDED FOR IN SECTIONS 27(kA) AND 55(A) OF THE ACT, IN TERMS OF WESTERN CAPE GAMBLING AND RACING REGULATIONS, AS PROVIDED FOR IN REGULATION 18, HAS BEEN RECEIVED.

Applicant for a new bookmaker licence:	Lucky7 Gaming (Pty) Ltd, t/a BetVIP—A South African registered company
Registration number:	2019/623342/07
Persons holding a 5% or more direct and indirect financial interest in the applicant:	Playa WC David (Pty) Ltd (10%) Playa WC Brad (Pty) Ltd (90%) The D&T Playa WC Trust (100%) The Playa WC Brad Trust (100%)
Business address of proposed bookmaker:	Office 307, Spaces, Dock Road Junction, cnr Stanley and Dock Road, Waterfront, Cape Town 8001
Erf number:	1391

Section 33 of the Western Cape Gambling and Racing Act, 1996 (hereinafter “the Act”) requires the Western Cape Gambling and Racing Board (hereinafter “the Board”) to ask the public to submit comments and/or objections to gambling licence applications that are filed with the Board. The conduct of gambling operations is regulated in terms of both the Act and the National Gambling Act, 2004. This notice serves to notify members of the public that they may lodge objections and/ or comments to the above application on or before the closing date at the below-mentioned address and contacts. Since licensed gambling constitutes a legitimate business operation, moral objections for or against gambling will not be considered by the Board. An objection that merely states that one is opposed to gambling without much substantiation will not be viewed with much favour. You are hereby encouraged to read the Act and learn more about the Board’s powers and the matters pursuant to which objections may be lodged. These are outlined in Sections 28, 30, 31 and 35 of the Act. Members of the public can obtain a copy of the objection guidelines, which are an explanatory guide through the legal framework governing the lodgement of objections and the Board’s adjudication procedures. The objection guidelines are accessible from the Board’s website at www.wcgrb.co.za and copies can also be made available on request. The Board will consider all comments and objections lodged on or before the closing date during the adjudication of the application.

In the case of written objections to an application, the grounds on which such objections are founded must be furnished. Where comment in respect of an application is furnished, full particulars and facts to substantiate such comment must be provided. The name, address and telephone number of the person submitting the objection or offering the comment must also be provided. Comments or objections must reach the Board by no later than **16:00 on Friday, 19 June 2020.**

Objections or comments must be forwarded to the Chief Executive Officer, Western Cape Gambling and Racing Board, P.O. Box 8175, Roggebaai 8012, or handed to the Chief Executive Officer, Western Cape Gambling and Racing Board, 100 Fairway Close, Parow 7500, or faxed to the Chief Executive Officer on 021 422 2603, or emailed to Objections.Licensing@wcgrb.co.za

WES-KAAPSE RAAD OP DOBBELARY EN WEDRENNE

KENNISGEWING

ONTVANGS VAN 'N AANSOEK VIR 'N VERVAARDIGERSLISENSIE, 'N BOEKMAKERLISENSIE EN 'N BOEKMAKERPERSEELLISENSIE

KRAGTENS DIE BEPALINGS VAN ARTIKEL 32(2) VAN DIE WES-KAAPSE WET OP DOBBELARY EN WEDRENNE, 1996 (WET 4 VAN 1996) (“DIE WET”), SOOS GEWYSIG, GEE DIE WES-KAAPSE RAAD OP DOBBELARY EN WEDRENNE HIERMEE KENNIS DAT DIE VOLGENDE AANSOEK OM 'N VERVAARDIGERSLISENSIE, SOOS VOORSIEN IN ARTIKELS 27(f), EN 50 VAN DIE WET, 'N BOEKMAKERLISENSIE, SOOS VOORSIEN IN ARTIKELS 27(k) EN 55 VAN DIE WET, EN 'N BOEKMAKERPERSEELLISENSIE, SOOS VOORSIEN IN ARTIKELS 27(kA) EN 55(A) VAN DIE WET, INGEVOLGE DIE WES-KAAPSE DOBBELARY EN WEDRENNE REGULASIES, SOOS VOORSIEN IN REGULASIE 18, ONTVANG IS.

Aansoeker vir 'n nuwe boekmakerlisensie: Lucky7 Gaming (Edms) Bpk, h/a BetVIP—'n Suid-Afrikaans-geregistreerde maatskappy

Registrasienommer: 2019/623342/07

Persone met 'n direkte en indirekte geldelike belang van 5% of meer in die aansoeker:

Playa WC David (Edms) Bpk (10%)
Playa WC Brad (Edms) Bpk (90%)
The D&T Playa WC Trust (100%)
The Playa WC Brad Trust (100%)

Besigheidsadres van voorgenome boekmaker: Kantoor 30, Spaces, Dock Road Junction, h/v Stanley en Dock Weg, Waterfront, Kaapstad 8001

Erfnommer: 1391

Artikel 33 van die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996 (hierna “die Wet” genoem) bepaal dat die Wes-Kaapse Raad op Dobbelary en Wedrenne (hierna “die Raad” genoem) die publiek moet vra om kommentaar te lewer op en/of besware aan te teken teen dobbellisensie-aansoeke wat by die Raad ingedien word. Dobbelwerksaamhede word kragtens die Wet sowel as die Nasionale Wet op Dobbelary, 2004 gereguleer. Hierdie kennisgewing dien om lede van die publiek in kennis te stel dat hulle voor die sluitingsdatum by ondergemelde adres en kontakte beswaar kan aanteken teen en/of kommentaar kan lewer op bogenoemde aansoek. Aangesien gelisensieerde dobbelary 'n wettige besigheidsbedryf uitmaak, word morele besware ten gunste van of teen dobbelary nie deur die Raad oorweeg nie. 'n Beswaar wat bloot meld dat iemand teen dobbelary gekant is sonder veel staving sal nie gunstig oorweeg word nie. U word hiermee aangemoedig om die Wet te lees en meer inligting te verkry oor die Raad se magte en die aangeleenthede op grond waarvan besware ingedien kan word. Dit word in artikel 28, 30, 31 en 35 van die Wet uitgestippel. Lede van die publiek kan 'n afskrif van die riglyne vir besware bekom, wat 'n gids is wat die werking verduidelik van die regsraamwerk wat die indiening van besware, publieke verhore en die Raad se beoordelingsprosedures reguleer. Die riglyne vir besware is verkrygbaar op die Raad se webwerf by www.wcgrb.co.za en afskrifte kan ook op versoek beskikbaar gestel word. Die Raad sal alle kommentaar en besware oorweeg wat op of voor die sluitingsdatum tydens die beoordeling van die aansoek ingedien word.

In die geval van skriftelike besware teen 'n aansoek moet die gronde waarop sodanige besware berus, verskaf word. Waar kommentaar ten opsigte van 'n aansoek gegee word, moet volle besonderhede en feite om sodanige kommentaar te staaf, verskaf word. Die persoon wat die beswaar of kommentaar indien se naam, adres en telefoonnommer moet ook verstrek word. Kommentaar of besware moet die Raad bereik nie later nie as **16:00 op Vrydag, 19 Junie 2020**.

Besware of kommentaar moet gestuur word aan die Hoof- Uitvoerende Beampte, Wes-Kaapse Raad op Dobbelary en Wedrenne, Posbus 8175, Roggebaai 8012, of ingehandig word by die Hoof- Uitvoerende Beampte, Wes-Kaapse Raad op Dobbelary en Wedrenne, Fairway-singel 100, Parow 7500 of per faks: 021 422 2603 of e-pos: Objections.Licensing@wcgrb.co.za

**DRAKENSTEIN MUNICIPALITY
INTEGRATED WASTE MANAGEMENT BY-LAW: 2020**

In terms of Section 156(2) of the Constitution, 1996 Drakenstein Municipality hereby enacts as follows:-

**CHAPTER 1
GENERAL PROVISIONS**

1. Definitions and interpretation
2. Principles
3. Main objectives
4. Duties and obligations

**CHAPTER 2
INTEGRATED WASTE MANAGEMENT**

5. Waste management plans
6. Waste information system
7. Waste minimisation and recycling
8. Waste management activities

**CHAPTER 3
COLLECTION OF WASTE**

9. Levels of service
10. Compulsory use of service
11. Frequency
12. Volume
13. Containers
14. Communal collection
15. Collection in rural areas
16. Recycling
17. Accumulation of waste

**CHAPTER 4
HANDLING DIFFERENT TYPES OF WASTE**

**Part 1
Garden Waste**

18. Composting
19. Disposal of garden waste

**Part 2
Bulky Waste**

20. Removal and disposal

**Part 3
Building Waste**

21. Plans and inspection
22. Generation and storage
23. Removal and disposal

Part 4
Special Industrial, Health Care and Hazardous Waste

- 24. Notification and verification
- 25. Storage
- 26. Collection and disposal

Part 5
Industrial Waste and Special Waste

- 27. Storage
- 28. Collection and disposal

Part 6
Tyres, Disused Vehicles or Machinery and Scrap Metal

- 29. Storage and disposal

Part 7
Recyclable Waste

- 30. Storage, collection and disposal

Part 8
Agriculture and Farm Waste

- 31. Disposal

CHAPTER 5
TRANSPORTATION AND DISPOSAL

Part 1
Transportation of Waste

- 32. Safe transportation
- 33. No wastage or spillage
- 34. Legal Compliance

Part 2
Waste Disposal

- 35. Permitted use
- 36. Liability
- 37. Conduct at facilities
- 38. Accepting waste from others

CHAPTER 6
LITTERING AND DUMPING

- 39. Provision of facilities for litter
- 40. Littering and dumping
- 41. Burning of waste
- 42. Abandoned objects

**CHAPTER 7
EXTERNAL SERVICE PROVIDERS**

**Part 1
Licensed Service Providers of Commercial Services**

- 43. Licence application
- 44. Terms and conditions of licences
- 45. Renewal of licences
- 46. Suspension and revocation of licences
- 47. Licence exemptions
- 48. Consumer responsibilities

**Part 2
Municipal Service Providers**

- 49. Outsourcing of services
- 50. Consumer charter

**CHAPTER 8
GENERAL**

- 51. Ownership
- 52. Access to premises

**CHAPTER 9
COMPLIANCE AND ENFORCEMENT**

- 53. Compliance with this by-law and other laws
- 54. Authorisation of an authorised official
- 55. Functions and powers of an authorised official
- 56. Service of notices and documents
- 57. Compliance notices
- 58. Power of entry and inspection
- 59. Using force to enter
- 60. Liabilities and compensation
- 61. False statement or information
- 62. Seizure and impoundment of vehicles
- 63. Appeal
- 64. Offences
- 65. Penalties
- 66. Application of this by-law
- 67. Exemptions
- 68. Repeal of by-laws
- 69. Transitional arrangements
- 70. Short title and commencement

CHAPTER 1 GENERAL PROVISIONS

1. Definitions and interpretation

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa; in the event of a conflict between the English and Afrikaans versions of this by-law, the English version shall be decisive and unless the context otherwise indicates -

“agricultural and farm waste” means all waste generated on farms as part of agricultural processes or through ordinary domestic and business activities and may include different types of waste;

“applicable charge” means the rate, charge, tariff, flat rate, subsidy or any other cost prescribed by the municipality ;

“approved” in the context of containers, bins, bin liners, waste bags, containers and wrappers, means approved by the municipality or a licensed service provider for the collection and storage of waste;

“approved container” means a container approved for the temporary storage of domestic or business waste until removed by the municipality or an approved service provider;

“approved business waste container” means a container with a storage capacity of 240 litre, a container with a storage capacity of 770 litre or any other approved container prescribed by the municipality;

“approved domestic waste container” means a container with a storage capacity of 240 litres or any other approved container prescribed by the municipality;

“authorised official” means a waste management officer or other person in the employ of the municipality, authorised by the municipality for the purposes of this by-law, or if the municipality has appointed a service provider to perform municipal services, an employee of such service provider, authorised by it in terms of this by-law and acting within the scope of the powers, functions and duties assigned to that service provider by the municipality;

“building waste” means waste produced during the construction, alteration, repair or demolition of any structure both man made or natural, and includes rubble, earth, vegetation, wood and rock displaced during such construction, alteration, repair or demolition but excludes hazardous waste and garden waste;

“bulky waste” means waste which can be classified as domestic or business waste but which, by virtue of its mass, shape, size or quantity, cannot easily be accumulated in or removed from an approved container;

“business waste” means waste, other than hazardous waste, health care waste, building waste, industrial waste, garden waste, bulky waste, special waste and special industrial waste generated on premises used for commercial purposes and at residential premises where commercial activities are being conducted;

“by-product” means a substance that is produced as part of a process that is primarily intended to produce another substance or product and that has the characteristics of an equivalent virgin product or material;

“collection” means the act of collecting waste at the place of generation or storage by the municipality or a licensed service provider and removal has a similar meaning;

“commercial services” means any waste management service, relating or connected to accumulating, collecting, managing, recycling, sorting, storing, treating, transporting, disposing, buying or selling of waste or any other manner of handling waste excluding services rendered by the municipality;

“dailies” means putrescible business waste generated by hotels, restaurants, food shops, hospitals and canteens that must be collected on a more frequent basis, often a daily basis, to prevent the waste from decomposing and presenting a nuisance, environmental or health risk;

“damage to the environment” means any pollution, degradation or harm to the environment whether visible or not;

“DEA” means the national Department of Environmental Affairs;

“DEA&DP” means the provincial Department of Environmental Affairs and Development Planning;

“disposal coupon” means a coupon approved by and purchasable from the municipality and entitling the holder thereof to use it to dispose waste of a prescribed volume and type at an approved waste disposal facility or a waste handling facility;

“domestic hazardous waste” means hazardous waste generated in a household in minimum quantities consistent with the home use of materials such as paints and solvents, automotive wastes, pesticides, electronics, aerosols, cleaning agents, batteries, fluorescent lamps and refrigerant containing appliances;

“domestic health care waste” means health care waste generated in a household in minimum quantities consistent with the home use of materials for medical purposes and includes waste such as syringes, unused medicines and pills, used bandages, that could cause a health hazard when not appropriately disposed of;

“domestic waste” means waste that emanates from premises used wholly or mainly for—

- (a) residential purposes;
- (b) educational, sport or recreational purposes; and
- (c) purposes of public worship, including a hall or other building used for religious purposes, and includes domestic health care waste and domestic hazardous waste; but excludes hazardous waste, business waste, building waste, garden waste, bulky waste, special waste, liquid matter or night soil;

“dump” means placing waste anywhere other than in an approved container or a place designated as a waste handling facility or waste disposal facility by the municipality;

"ECA" means the Environment Conservation Act, 1989 (Act 73 of 1989) and any regulations made in terms thereof, or any superseding legislation;

"EIA" means an environmental impact assessment as contemplated in NEMA, or the ECA and the EIA Regulations as published in Government Notice R 982 on 4 December 2014, as amended ;

"enforcement notice" means any notice issued by an authorised official under this by-law which instructs the person to whom it is issued to comply with the terms of the notice, and includes a compliance notice contemplated in section 57;

“environment” means the individual parts and total sum of all elements, properties, conditions and the like making up the surroundings within which living organisms exist and any part or combination of the interrelationships among and between them;

"environmental emergency" means any situation that has caused or may cause serious harm to human health or damage to the environment, irrespective of whether the potential for harm or damage is immediate or delayed;

“event waste” means waste that originates from the activities related to an event that is held in the municipal area;

“e-waste” means electric and electronic equipment waste such as lighting equipment, circuit boards, mobile phones, computers, television sets and audio visual equipment that are still mainly treated as domestic or business waste but with a high need and potential for recycling;

“garden services activities” means the provision of gardening services including the cutting of grass, pruning of trees or any other horticultural activity including landscaping, to any domestic, business, commercial, education and training, recreational, institutional or industrial premises;

“garden waste” means organic waste which emanates from domestic gardening activities, including grass cuttings, leaves, plants, flowers, branches, tree stumps and other similar waste;

“general waste” means waste that does not pose an immediate hazard or threat to health or to the environment;

development” means a high density residential development with common property or facilities and which is managed by a home owners’ association, body corporate or other managing body;

“hazardous chemical substance” means any toxic, harmful, corrosive, irritant or asphyxiant substance, or a mixture of such substances for which—

- (a) an occupational exposure limit is prescribed;
- (b) an occupational exposure limit is not prescribed but which creates a hazard to health and the environment;

“hazardous waste” means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics thereof, have a detrimental impact on health and the environment;

“health care risk waste” means all hazardous waste generated at any health care facility such as a frail care centre, hospital, clinic, laboratory, medical research institution, dental or medical practitioner or veterinarian including but not limited to infectious waste, pathological waste, sharp waste, pharmaceutical waste, genotoxic waste, chemical waste, pressurized container waste, waste with heavy metals, radio-active waste, or any waste that has been in contact with blood, bodily fluids or tissues from humans or infected animals from veterinary practices;

“health care waste” means all waste generated by or derived from medical care or medical research including but not limited to infectious waste, pathological waste, sharp waste, pharmaceutical waste, genotoxic waste, chemical waste, pressurized container waste, waste with heavy metals, radio-active waste, or any waste that has been in contact with blood, bodily fluids or tissues from humans or infected animals from veterinary practices;

“holder of waste” means any person or entity that imports, generates, collects, handles, accumulates, stores, transports, transfers, processes, treats, trades, exports, recovers, recycles, re-uses or disposes of waste including sorters of waste such as recycling or waste minimisation groups, scrap dealers and buy-back centres;

“industrial waste” means waste generated as a result of manufacturing, industrial, fabricating, processing, dismantling or maintenance activities including waste generated by commercial agricultural, mining or power plant activities but does not include any other category of waste;

"inert waste" means waste that—

- (a) does not undergo any significant physical, chemical or biological transformation after disposal;
- (b) does not burn, react physically or chemically biodegrade or otherwise adversely affect any other matter or environment with which it may come into contact; and
- (c) does not impact negatively on the environment, because of its pollutant content and because the toxicity of its leachate is insignificant;

"infectious waste" means waste which is generated during diagnosis, treatment or immunization of humans or animals, in the research pertaining to this, in the manufacturing or testing of biological agents including blood products, cultures, pathological waste, sharp objects, human and animal anatomical waste and isolation waste that contain or may contain infectious substances;

"integrated waste management plan" means an integrated waste management plan required by the municipality in terms of this by-law or that is required in terms of any other applicable legislation;

"interest" means a levy with the same legal property as service fees and calculated in terms of this by-law on all amounts in arrears in respect of prescribed fees for waste management services at a standard rate equal to an interest rate as determined by the municipality;

"level of service" means the frequency of municipal service and the type of service point;

"licensed service provider" means a person or entity approved by and registered with the municipality and having obtained a licence to collect and transport specified types of waste in the municipal area;

"litter" means any object or matter which is discarded by a person in any place except in an approved container provided for that purpose or at a waste disposal facility or a waste handling facility;

"minimisation" means the steps taken by the municipality, residents, businesses and industries to avoid and reduce the amount and toxicity of waste generated and disposed of;

"Minister" means the Minister of the Department of Environmental Affairs;

"municipality" means the municipality of Drakenstein established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, agent or employee;

"municipal service" means the service relating to the collection of waste, including domestic waste, business waste and dairies and related waste activities provided by the municipality or a service provider on behalf of the municipality, in accordance with this by-law;

"NEMA" means the National Environmental Management Act, 1998 (Act 107 of 1998);

"NEM:WA" means the National Environmental Management: Waste Act, 2008 (Act 59 of 2008);

"nuisance" means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or management of waste, including but not limited to, the storage, placement, collection, transport or disposal of waste or by littering;

"occupier" means a person who occupies any premises or part thereof, without regard to the title under which he or she so occupies, and includes—

- (a) any person in actual occupation of those premises;
- (b) any person legally entitled to occupy those premises;
- (c) in the case of those premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants whether on the person's own account or as agent for any person entitled thereto or interested therein;
- (d) any person having the charge of or management of those premises, and includes the agent of any such person when the person is absent from the Republic of South Africa or his or her whereabouts are unknown; or
- (e) the owner of those premises;

"owner" includes—

- (a) the person in whom is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed;
- (b) where the person in whom the legal title to the premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon; and

- (d) in the case of premises for which a lease agreement of ten years or longer has been entered into and registered in the Deeds Office, the lessee thereof;
- (e) in relation to
- (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in the Sectional Titles Act, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;
- (f) the person who has purchased immovable property from the municipality, in terms of a scheme that allows for the purchase price to be paid in instalments and who has not received transfer from the municipality;
- "person"** means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

"pollution" means any change in the environment caused by –

- (a) substances; or
- (b) radioactive or other waves; or
- (c) noise, odours, dust or heat, emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or an organ of state, where that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future;

"premises" means an erf or any other portion of land, including any building thereon or any other structure utilised for business, industrial or residential purposes;

"prescribed fee" means a fee including a tariff or charge determined by council resolution;

"prescribed tariff" means a schedule of prescribed fees as entailed in the municipality's budget;

"public notice" means notice to the public in a manner determined by the municipality;

"public place" includes any public building, public road, overhead bridge, subway, foot pavement, footpath, sidewalk, lane square, open space, garden, park, sports ground enclosed space vested in a municipality, and any road, place or thoroughfare however created which is in the undisturbed use of the public or which the public has the right to use or the right to access;

"public road" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and includes—

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

"recovery" means a process where waste is reclaimed, which process could involve the separation of waste from a waste stream for further use;

"recyclable waste" means waste that could be separated from the waste stream and set aside for purposes of re-use;

"recycling" means a process where recovered waste is further processed as a product or raw material;

"SANS" means South African National Standard;

"SAWIS" means the national waste information system established by the national government in accordance with NEM:WA;

"special industrial waste" means waste consisting of a liquid, sludge or solid substance, resulting from a manufacturing process, industrial treatment or the pre-treatment for disposal purposes of any industrial or mining liquid waste;

"special waste" means a non-hazardous industrial waste that may include a number of waste types which has physical or chemical characteristics, or both, that requires special handling at a waste disposal facility such as contaminated soil, raw animal manure, dead animals and any other material determined to be special waste;

"storage" means the accumulation of waste in a manner that does not constitute treatment or disposal of that waste;

"Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"sustainable development" means the integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations;

"Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“tariff” means the annually revised user charge for the provision of the municipal service, determined by the municipality;

“transport” means the movement of waste from one place to another;

“waste” means any substance, whether or not that substance can be reduced, re-used, recycled and recovered—

- (a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of;
- (b) which the generator has no further use of for the purposes of production
- (c) that must be treated or disposed of; or
- (d) that is identified as a waste by the Minister by notice in the Gazette, and includes waste generated by the mining, medical or other sectors, but—
 - (i) a by-product is not considered waste; and
 - (ii) any portion of waste, once re-used, recycled and recovered ceases to be waste;

“waste bag” means a plastic bag at least 22 micron thick with dimensions of 750mm x 950mm or as otherwise prescribed by the municipality and the same applies to a bin liner;

“waste disposal facility” means any site or premise which receives waste for treatment or disposal thereof, and which is operated in terms of a license obtained from a statutory license authority or otherwise in accordance with NEMA;

“waste handling facility” means any site or premise that receives, accumulates, handles, recycles, sorts and temporarily stores or treats waste prior to its transfer for final disposal and is operated in terms of a license obtained from a statutory license authority or otherwise in accordance with NEMA;

“waste information system” means SAWIS;

“waste management activity” means any one or more of the activities, as listed in NEM:WA, that a holder of waste may be involved in;

“waste management officer” means a person designated by the municipality for co-ordinating matters pertaining to waste management.

“waste management plan” means a waste management plan required by the municipality in terms of this by-law and NEM:WA;

“waste management services” means services that relate to any one or more of the waste management activities;

“waste removal system” means a system by means of which waste is removed and disposed of by the municipality;

“waste tyre” means a new, used, rethreaded, or un-roadworthy tyre, not suitable to be rethreaded, repaired or sold as a part worn tyre and not fit for its original intended use;

“working day” means a day other than a Saturday, Sunday or public holiday but in the context of the municipality’s waste handling and waste disposal facilities it includes all calendar days except Sundays, and religious public holidays.

2. Principles

- (1) The municipality has the responsibility to ensure that all waste generated within the municipal area is—
 - (a) collected, disposed of or recovered in accordance with this by-law; and
 - (b) such collection, disposal or recovery takes account of the waste management hierarchy outlined in subsection (2).
- (2) The principle underpinning this by-law is the establishment of a waste management hierarchy in the following order of priority—
 - (a) avoidance, minimisation and reduction of waste;
 - (b) re-use of waste;
 - (c) recycling, re-claiming, reprocessing and treatment of waste; and
 - (d) disposal of waste.
- (3) An authorised official must as is reasonably possible, take the hierarchy specified in subsection (2) into account.

3. Main objectives

- (1) The main objectives of this by-law are—
 - (a) to regulate the collection, handling, storage, transport, recycling, treatment and disposal of waste;
 - (b) to promote the pursuance of an integrated waste management approach;
 - (c) to regulate the provision of municipal services by a service provider and commercial services by licensees; and
 - (d) to enhance sustainable development.

- (2) In pursuing the main objects of this by-law, the municipality shall, within its financial and administrative capacity—
- (a) endeavour to ensure local community involvement in waste planning;
 - (b) endeavour to minimise the consumption of natural resources;
 - (c) promote the recycling and re-use of waste;
 - (d) encourage waste separation to facilitate re-use and recycling;
 - (e) promote the effective resourcing, planning and delivery of municipal services and commercial services;
 - (f) endeavour to achieve integrated waste management, planning and services in a local context;
 - (g) promote and ensure environmentally responsible municipal services and commercial services; and
 - (h) endeavour to ensure compliance with the provisions of this by-law.

4. Duties and obligations

- (1) A holder of waste must take all reasonable measures to:
- (a) reduce or avoid waste generation and minimise the toxicity of waste generated;
 - (b) re-use, recycle and recover waste;
 - (c) dispose waste in an environmentally sound manner;
 - (d) manage waste in a manner not endangering health or the environment and cause no nuisance related to sight, noise or odour;
 - (e) prevent waste from being used for an unauthorised purpose including the prevention of persons under his supervision from contravening this by-law;
- (2) A person who sells a product which may be used by the public and is likely to result in the generation of hazardous waste must take all reasonable steps to inform the public of the impact of that waste on health and the environment.
- (3) Any person subject to the duties and obligations imposed in subsections (1) and (2) may be required by the municipality or an authorised official to take measures to ensure compliance with these duties and obligations, which measures may be to—
- (a) investigate and evaluate the impact on the environment;
 - (b) inform and educate employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid causing significant pollution or degradation of the environment;
 - (c) cease, modify or control any act, activity or process causing the pollution or degradation;
 - (d) contain or prevent the movement of pollutants or the cause of degradation;
 - (e) eliminate any source of the pollution or degradation;
 - (f) remedy the effects of the pollution or degradation.

CHAPTER 2 INTEGRATED WASTE MANAGEMENT

5. Waste management plans

- (1) The municipality must—
 - (a) establish, review and revise its integrated waste management plan in accordance with the prescriptions of national legislation;
 - (b) annually report on the implementation of its integrated waste management plan; and
 - (c) follow prescribed processes of community consultation regarding subsections (1)(a) and (b).
- (2) A person who wishes to organise or host an event in the municipal area must at least one month prior to the event taking place submit to the municipality a waste management plan that includes the waste management services to be provided and such other information as required by the municipality.
- (3) The municipality may grant conditional exemption in terms of subsection (2) depending on the size, nature and duration of the event;
- (4) An owner or occupier or any other person responsible for a new development must submit to the municipality an integrated waste management plan including such information as the municipality requires prior to the start of the development and also during the development, if so requested by the municipality.
- (5) The municipality shall require a holder of waste involved in a waste management activity listed in terms of section 19 of NEM:WA to submit its integrated waste management plan within a specified time and thereafter at intervals coinciding with the requirements of national and provincial legislation or standards.
- (6) The municipality may require from any other holder of waste, excluding domestic waste, to submit within a reasonable time and thereafter at intervals determined by the municipality an integrated waste management plan containing such information as the municipality deems necessary or, if applicable, a copy of its industry waste management plan as required by national legislation.
- (7) If an integrated waste management plan as referred to in subsections (4), (5) or (6) is in any way changed or amended, the holder of waste must submit such changed or amended plan to the municipality.

6. Waste information system

- (1) The municipality must establish and maintain a waste information system including information on the levels and extent of waste management services provided by it and enters such information on the SAWIS and the provincial waste information system as and when required.
- (2) The municipality may require from a holder of waste to submit within a reasonable time or on a regular basis such data, documents, information, samples or materials;
- (3) The municipality may request a person or holder of waste that should be registered on the SAWIS or a provincial waste information system, to effect such registration and submit proof thereof or to submit proof of not conducting a waste management activity obligating such registration within a reasonable time.

7. Waste minimisation and recycling

- (1) The municipality must, in accordance with its responsibilities and its resources, progressively implement measures to reduce waste and promote the recovery, re-use and recycling of waste including waste separation at source.
- (2) The municipality may on a regular basis and in a manner it deems suitable, acknowledge outstanding achievements in respect of waste avoidance, waste minimisation, recycling or other waste management practices advancing environmentally responsible integrated waste management.

8. Waste management activities

- (1) The municipality may require a holder of waste in possession of or responsible for waste that must be classified, recorded, labelled or in any way assessed or re-assessed, to submit proof of compliance with the relevant prescriptions of national and provincial legislation and standards as applicable thereto and the municipality will strictly adhere to any such legislation or standards in respect of its own waste management activities.
- (2) The municipality's approval, inspection and monitoring of waste storage facilities, vehicle scrapping or recovery facilities and any other facilities where materials suitable for re-use or recycling are recovered must be in accordance with national and provincial legislation and standards and the municipality's by-laws and may require the owners or occupiers of these premises to submit such information, plans and records as the municipality deems necessary to fulfil its duties as a waste management authority.

CHAPTER 3 COLLECTION OF WASTE

9. Levels of service

The levels of waste collection may differ between areas based on the practicality and cost-efficiency of delivering the service. Service levels in areas may vary between:

- (a) on-site and regularly supervised or monitored disposal;
- (b) community transfer to a central collection point;
- (c) organised transfer to a central collection point and kerbside collection; and
- (d) a combination of these levels.

10. Compulsory use of service

- (1) No one except the municipality or a person authorised by the municipality may remove any waste from any premises or dispose thereof and each owner of premises must make use of the service provided by the municipality for the removal or disposal of waste.
- (2) The tariff for waste removal as fixed by the municipality shall be payable to the municipality by the owner, irrespective whether the service is being used, or not, except where exemption is granted in terms of section 67.
- (3) The waste collection service rendered in terms of subsection (1) must be in accordance with the agreement for services concluded with the municipality; which agreement may be amended in writing to make provision for an increase in the frequency or volume of the waste removal service rendered should it be required by the municipality or in response to a request by the owner or occupier of residential or business premises.
- (4) Availability charges may be charged on vacant premises.
- (5) The municipality may determine which waste items are unsuitable for collection if it does not constitute domestic waste or business waste or could be classified as bulky waste, and if waste is determined to be unsuitable for collection, a process for removal and disposal of such waste may be recommended by the municipality to the owner of the waste or occupier of the premises.
- (6) If the municipality's scheduled waste collection services are interrupted for whatever reason, the municipality must resume the service as soon as reasonably possible and address backlogs as a matter of priority.
- (7) Complaints about the waste collection service will be dealt with in accordance with the municipality's customer care policy.

11. Frequency

- (1) The municipality must collect domestic waste and business waste at least once per week on scheduled dates for different areas. Occupiers or owners of premises will be informed of revised collection arrangements reasonably in advance.
- (2) The municipality may determine which business premises generate waste that can be regarded as dailies and may instruct an increase in the frequency of waste collection from such premises as provided for in section 10(2).
- (3) If the municipality is of the opinion that a business creates a nuisance, health risk, odour or danger to public health due to the fact that waste is not removed during weekends, it may instruct the owner or occupier to make use of an additional waste collection service that may be rendered by the municipality at a prescribed fee.
- (4) An owner or occupier of a business premise that receives a waste removal service once per week may apply to the municipality in writing to increase the number of removals to multiple times per week if so available and as provided for in section 10(2).

12. Volume

- (1) The municipality may determine—
 - (a) the number of containers to be collected from each residential premise per collection;
 - (b) the number of containers to be collected from each business premise per collection based on an inspection of the waste volumes with the owner or occupier; and

- (c) the maximum amount of business waste that may be placed for collection without the provision of an additional service or the payment of an additional prescribed fee.
- (2) Should the municipality require the provision of an additional service to a residential or business premise or the owner or occupier of a residential or business premise apply to the municipality in writing to increase the number of containers to be collected per collection from its premises, these changes will be effected as provided for in section 10(2).

13. Containers

- (1) The municipality will collect domestic and business waste placed in approved containers from a location and in a condition as determined. Waste placed in a location or a container not meeting the prescriptions of the municipality will not be collected.
- (2) The municipality shall in accordance with the collection service rendered in an area, supply:
 - (a) each individual household in high density areas with two refuse bags per week;
 - (b) each single urban residential premise with one container;
 - (c) each group development or other premises such as schools, churches and hospitals generating domestic waste with the number of containers determined by the municipality; and
 - (d) each business premise with the number of containers as determined by the municipality.
- (3) Should the owner or occupier of a business premise or a residential premise including a group development require additional containers, either by written request or as required by the municipality, the municipality will supply such additional containers as agreed and may do so at an extra cost including a repayable deposit that the owner or occupier must pay before delivery thereof to the premises.
- (4) Containers supplied by the municipality in terms of subsections (2) and (3) must:
 - (a) have serial numbers linked to the service agreement of the owner or occupier of the premises with the municipality;
 - (b) remain the property of the municipality;
 - (c) be returned to the municipality upon termination of the service agreement by the owner or occupier of the premises and if a refundable deposit was paid for it such deposit will be refunded to the owner or occupier of the premises provided the receptacle is in the opinion of the municipality still in a usable condition;
 - (d) be replaced by the municipality free of cost if such replacement is in the opinion of the municipality warranted due to normal wear and tear;
 - (e) in case of theft-
 - (i) if it is a first occurrence, be replaced free of cost by the municipality;
 - (ii) if it is a second occurrence, be replaced at fifty percent of the cost thereof by the municipality; or
 - (iii) if it occurs for a third or more times, be replaced at hundred percent of the cost thereof by the municipality; provided the municipality receives a written request for such replacement including documentary proof of the case being reported to a police station;
- (5) Where the municipality notices the absence of a container and no request for replacement has been lodged, it may replace it and recover the cost from the owner or occupier.
- (6) In case of damage caused through the negligence of the owner or occupier of the premises the container may be replaced by the municipality after receiving a written request for such replacement and full payment of the cost involved.
- (7) The owner or occupier of a residential or business premise shall be responsible for marking his or her container with the stand number to ensure easy identification thereof and to assist the municipal employees to return it to the correct stand.
- (8) Containers for the temporary storage of waste at business and residential premises must be kept in good condition and fit for the safe storage of waste to prevent damage to the environment and harm to health.
- (9) No person may allow an animal in his or her control to interfere with, overturn or damage a container which has been placed for collection.
- (10) The owner or occupier of business or residential premises must ensure that—
 - (a) a container contains no hot ash, unwrapped glass or other domestic waste, business waste including dailies which may cause injury to the municipal employees while carrying out their duties or damage to the container;

- (b) no material, including any liquid, which by reason of its mass or other characteristics is likely to render a container unreasonably difficult for the municipal employees to handle or carry, is placed in such receptacle;
 - (c) containers are kept closed and in a clean and hygienic condition to avoid animal and insect interference and wind-blown litter;
 - (d) containers are placed outside the entrance to the premises on a date and time specified by the municipality by written notice to the owner or occupier of the premises;
 - (e) in accordance with the municipality's specifications, space and any other facility deemed necessary by the municipality be provided on the premises for the storage of containers without these being visible from a public road or public place and the space so allowed permitting convenient access to and egress for the municipality's waste collection vehicles;
 - (f) the pavement in front of or abutting the premises is kept clean and free of waste.
- (11) If dailies are generated, the owner or occupier must ensure that—
- (a) the dailies are not placed in a container where they could contaminate another waste stream;
 - (b) the containers are placed not more than 20 metres from the entrance to the premises from where the waste is collected by the municipality.
- (12) Notwithstanding anything to the contrary contained in this by-law, the municipality may, having regard to the avoidance of a nuisance and the convenience of collection of waste, indicate a specific position within or outside the premises concerned where containers must be placed for the collection and removal of waste and such containers must then be placed in that position at such times and for such period as the municipality may require.
- (13) No owner or occupier of premises is allowed to place any waste bags or other containers containing waste other than domestic or business waste outside the premises unless approved by the municipality for a specific purpose and subject to conditions as the municipality may impose.

14. Communal collection

- (1) The municipality shall in high density areas where a sustainable, formalised domestic waste collection service can be rendered, collect the waste of individual households on a weekly basis.
- (2) The municipality shall place appropriate bulk containers at central communal collection points determined by the municipality as suitable for communal collection.
- (3) Communal collection points will be clearly demarcated areas.
- (4) The bulk containers must be in accordance with the municipality's specifications and its location will as far as reasonably possible—
 - (a) allow secure and easy access to the community;
 - (b) prevent windblown litter;
 - (c) enable easy access for the municipality's waste collection vehicles.
- (5) The waste will as far as reasonably possible be collected once per week or within 24 hours of a bulk container being reported full to the municipality.
- (6) Waste separation at source will be encouraged in respect of communal collection by providing separate bulk containers for non-recyclable and recyclable waste at the communal collection points should the municipality determine it to be viable.

15. Collection in rural areas

- (1) Where it is not economically viable for the municipality to provide bulk waste containers or any other form of collection of waste in its rural areas, communities and farmers are encouraged to make use of the municipality's coupon system to dispose of waste at designated municipal waste handling or waste disposal facilities.
- (2) Notwithstanding the above, the municipality will in co-operation with rural communities work to find cost-effective ways to expand waste collection practices to the rural areas.
- (3) The municipality is in accordance with national legislation not in favour of on-site disposal of waste but may allow on-site waste disposal in rural areas if no other feasible alternatives could be made available; in which case, the municipality will supervise or monitor such practices and exercise control over it in so far as it is reasonably possible.

16. Recycling

- (1) Any owner or occupier of a business or residential premise or any other holders of waste as determined by the municipality and in areas as determined by the municipality may be required to—
 - (a) separate their waste in recyclable, e.g. e-waste; plastics, paper and glass and non-recyclable waste in accordance with the directives of the municipality;
 - (b) use different containers for waste so separated as directed or provided by the municipality;
 - (c) place containers containing the recyclable waste outside the entrance to the premises at a time and day specified by the municipality or, if so requested, drop containers off at places as directed by the municipality; and
 - (d) follow any other reasonable prescribed procedures.
- (2) The municipality may locate drop-off centres for recyclables at places ensuring easy and safe access for the public.

17. Accumulation of waste

- (1) The owner or occupier of a business or residential premise must ensure that all domestic or business waste generated on the premises be placed for collection and not be accumulated.
- (2) Where a type or quantity of waste is not collected by the municipality or regularly removed by a licensed service provider, the owner or occupier of the premises or holder of the waste must arrange for the removal, transport and disposal of the waste at a waste handling or waste disposal facility, as often as may be necessary to prevent undue accumulation and any nuisance or detrimental impact on human health or the environment arising from the waste.
- (3) The municipality may enter any premises where waste of any type is accumulated and may instruct the person generating the waste or the owner or the occupier of the premises where it is so accumulated to remove the waste immediately or the municipality may proceed to do so at the cost of the person responsible for the accumulation.

**CHAPTER 4
HANDLING DIFFERENT WASTE TYPES**

**Part 1
Garden Waste**

18. Composting

The owner or occupier of premises on which garden waste is generated may compost garden waste on the property, provided that such composting does not cause a nuisance nor has a detrimental impact on human and environmental health.

19. Removal and disposal of garden waste

- (1) The owner or occupier of premises on which garden waste is generated must remove and dispose of it within a reasonable time after generation of the waste at a waste handling or waste disposal facility determined by the municipality.
- (2) At the request of the owner or occupier of any premises the municipality could remove garden waste from premises subject to the payment of the charge and the conditions determined by the municipality.

**Part 2
Bulky Waste**

20. Removal and disposal

- (1) The owner or occupier of premises on which bulky waste is generated, shall ensure that such waste is removed and disposed of within fourteen days after generation thereof at a waste handling or waste disposal facility determined by the municipality.
- (2) At the request of the owner or occupier of any premises the municipality may remove bulky waste from premises, provided that the municipality is able to do so with its waste removal equipment and subject to the payment of the prescribed charges.

Part 3 Building Waste

21. Plans and inspection

- (1) An owner or occupier or any person responsible for the submission of building plans for a new building or an alteration to an existing building must include therein the manner in which building waste will be handled.
- (2) An authorised official of the municipality must inspect and verify that the waste arrangements contemplated in subsection (1) were followed and all building waste disposed of as part of the final municipal sign-off of the building activities.

22. Generation and storage

- (1) Notwithstanding the waste arrangements contemplated in section 21, the owner or occupier of premises on which building waste is generated or the person engaged in any activity which causes such waste to be generated, must ensure that—
 - (a) all building waste and the containers used for the storage thereof is kept on the premises on which the building waste is generated;
 - (b) the premises on which the building waste is generated does not become unsightly or cause a nuisance as a result of accumulated building waste;
 - (c) any building waste which is blown off the premises, is promptly retrieved.
- (2) Upon written request and subject to conditions as it may determine the municipality may approve the use of a bulk container placed on a verge for a specified duration.
- (3) The municipality may instruct an owner or occupier of premises on which building waste is generated or the person engaged in any activity which causes such waste to be generated to make use of special containers to dispose of it and will determine a tariff for the use of such containers should these be provided by the municipality.

23. Removal and disposal

- (1) The owner or occupier of premises on which building waste is generated or the person engaged in any activity which causes such waste to be generated, must ensure that all building waste is removed and disposed of continuously during construction so as to prevent unnecessary accumulation of such waste.
- (2) Building waste must be disposed of at a waste handling or waste disposal facility determined by the municipality.

Part 4 Special Industrial, Health Care and Hazardous Waste

24. Notification and verification

- (1) A person that engages in activities which will generate special industrial, hazardous or health care waste must prior to the generation of such waste, notify the municipality in writing of—
 - (a) the expected or known composition of such waste;
 - (b) the quantity to be generated
 - (c) how and where it will be stored,
 - (d) how it will be collected and disposed of; and
 - (e) the identity of the licensed service provider who will be responsible for its removal, transportation and disposal.
- (2) A person engaged in waste activities as referred to in subsection (1) which were established and in operation prior to the commencement of this by-law, must notify the municipality within ninety days of the commencement of this by-law of such activities and provide the information required in terms of sub section (1).
- (3) If so required by the municipality, a notification referred to in subsection (1) or (2) must be substantiated by—
 - (a) an assessment and analysis of the waste composition certified by an appropriately qualified industrial chemist;
 - (b) safety data sheets or completed waste documents; and

- (c) such other records required to verify compliance with applicable legislation, national standards and SANS Codes.
- (4) The person referred to in subsection (1) or (2) must, when changes occur and annually before or on the 30th of June submit to the municipality a written report containing-
 - (a) the information stipulated in subsection (1);
 - (b) the substantiating documents referred to in subsection (3); and
 - (c) any other information which the municipality may reasonably require.
- (5) An authorised official may enter premises at any reasonable time to ascertain whether waste referred to in subsection (1) is generated or stored on such premises and may take samples and test any waste found on such premises to ascertain its composition.

25. Storage

- (1) Special industrial, health care and hazardous waste generated on premises must be stored thereon in an approved container until it is collected from the premises and it must be stored in a manner not creating a nuisance or causing harm to human health or polluting the environment and in accordance with applicable legislation, national standards and SANS Codes.
- (2) If the waste referred to in subsection (1) is not stored as stipulated, the municipality may require information of the waste content, date of containment and quantity and if such information is not available the municipality may instruct the person generating the waste or the owner or the occupier of the premises where it is stored to remove the waste immediately failing which the municipality may proceed to do so at the cost of the owner or occupier of the premises where the waste is stored.

26. Collection and disposal

- (1) Only a licensed service provider may collect special industrial, health care and hazardous waste from premises where it is stored and dispose of it at a waste disposal site licensed and designated by the municipality to receive such waste.
- (2) A licensed service provider must collect, transport and dispose of the waste referred to in sub section (1) in accordance with its licence terms and conditions and in compliance with applicable legislation, national standards and SANS Codes.

Part 5**Industrial Waste and Special Waste****27. Storage**

- The owner or occupier of premises on which industrial waste or special waste is generated must ensure that until such time as the waste is collected by a licensed service provider from the premises on which it was generated—
- (a) the waste is stored in accordance with applicable legislation, national standards and SANS Codes in approved containers which are not kept in a public place; and
 - (b) no nuisance, health risk or environmental damage is caused by the waste during generation or storage.

28. Collection and disposal

- (1) Only a licensed service provider may collect industrial or special waste from premises where it is stored dispose of it at a waste disposal site licensed and designated by the municipality to receive such waste.
- (2) A licensed service provider must collect, transport and dispose of the waste referred to in subsection (1) in accordance with its licence terms and conditions and subject to the requirements of any applicable legislation, national standards and SANS Codes.
- (3) The municipality may determine specific times for acceptance of special waste at the site referred to in subsection (1).

Part 6
Tyres, Disused Vehicles or Machinery and Scrap Metal

29. Storage and disposal

- (1) No owner or occupier of premises with an operational area in excess of the statutory determined limit in terms of GN R921 dated 29 November 2013 (List of waste management activities that are likely to have a detrimental effect on the environment) may temporary accumulate, store or stockpile waste tyres, disused, scrapped, dismantled or recovered vehicles or machinery or scrap metal unless the waste management activity is managed in accordance with national standards or licensed in terms of national legislation, whichever is applicable.
- (2) Waste as contemplated in sub section (1) are not accepted at any of the municipality's own waste handling or waste disposal facilities and any person having to dispose of any of these materials must dispose thereof at a waste disposal site as directed by the municipality and in terms of conditions determined for such waste disposal site.
- (3) The municipality may enter the premises of any person contemplated in sub section (1) and request proof of any plans including its integrated waste management plan, licenses or other applicable documents to verify compliance with applicable legislation.

Part 7
Recyclable Waste

30. Storage, collection and disposal

- (1) An owner or occupier of premises or any other person may not temporary accumulate, sort, store or stockpile recyclable waste on any premises within the municipal area unless acting in accordance with subsection (2).
- (2) An owner or occupier of premises or any other person must prior to commencing an activity involving the re-use, reclamation or recycling of waste, comply with national and provincial legislation and standards and applicable SANS Codes for such activity and provide the municipality with a copy of his integrated waste management plan and such other information as the municipality may require.
- (3) Only a licensed service provider may collect recyclable waste from premises where it is generated or separated from other waste and transport and dispose of it at a waste handling facility or a waste disposal facility designated by the municipality to receive such waste.

Part 8
Agricultural and Farm Waste

31. Disposal

- (1) An owner or occupier of farm land may subject to subsections (2) and (3) use on-site disposal of waste but burning of waste is strictly prohibited unless authorised by the Chief Fire Officer in terms of the Fire Safety by-law of the municipality.
- (2) An owner or occupier of farm land may not dispose any quantity of hazardous waste which may be present in agricultural waste to the land unless in possession of the applicable waste management license in terms of national legislation, and if applicable, provincial legislation.
- (3) An owner or occupier of farm land may dispose of general waste, which may include agricultural and farm waste, to the land provided this is done in accordance with applicable legislation, national standards and SANS Codes and, if the quantity of waste requires it, authorisation thereof by a valid waste management license.
- (4) An authorised official of the municipality may request an owner or occupier of farm land that he or she suspects of disposing of hazardous waste or general waste exceeding the quantity allowed for disposal, to provide proof of the licences referred to in subsections (2) or (3) and, irrespective of the composition or quantity of the waste disposed of by an owner or occupier, the municipality may request him or her to submit an integrated waste management plan within a determined time frame.

- (5) An owner or occupier of farm land may apply in writing to make use of the municipality's waste handling and waste disposal facilities, the approval of which will provide the applicant access to the municipality's coupon system and disposal of waste, excluding hazardous and health care waste, at waste handling or waste disposal facilities as directed by the municipality in its approval.

CHAPTER 5 TRANSPORTATION AND DISPOSAL

Part 1 Transportation of Waste

32. Safe transportation

No person may—

- (a) operate a vehicle for the conveyance of waste upon a public road unless the vehicle has a body of adequate size and construction for the type of waste being transported; and
- (b) fail to maintain a vehicle used for the conveyance of waste in a clean, sanitary and roadworthy condition at all times.

33. No wastage or spillage

A person transporting waste through the municipal area must ensure that—

- (a) loose waste on an open vehicle is covered with a tarpaulin or suitable net; and
- (b) no waste become detached, leak or fall from the vehicle transporting it.

34. Legal compliance

A transporter of waste, specifically hazardous waste, must ensure he or she operates in compliance with all relevant national and provincial legislation, national standards and SANS Codes.

Part 2 Waste Disposal

35. Permitted use

- (1) The municipality may prescribe which types of waste may be disposed of at a particular waste handling or waste disposal facility as permitted in terms of the license stipulations of each facility.
- (2) Different tariffs for the disposal of different waste types and volumes are applicable but residents are allowed free disposal of a certain volume of general waste as determined by the municipality.

36. Liability

- (1) No person may dispose of waste at a waste disposal facility which is not licensed for such use and any person who contravenes any prescriptions of the municipality as contemplated in section 35(1) will be liable for all reasonable costs incurred by the municipality in removing or otherwise dealing with the waste improperly disposed.
- (2) The municipality shall not be liable for any claim resulting from access to any waste handling or waste disposal facility and any person who enters any of the sites of these facilities does so at own risk.

37. Conduct at facilities

- (1) No person may enter a waste handling or a waste disposal facility for any purpose other than the disposal of waste in terms of this by-law and only at such times and between such hours as the municipality may determine and display on a clearly visible notice board at the entrance of the waste handling or waste disposal facility.
- (2) Every person who, for the purpose of disposing waste enters a waste handling or a waste disposal facility must—
 - (a) enter and leave the facility at the designated entrance and exit points;
 - (b) supply all the particulars required regarding the source and composition of the waste, which waste may be inspected by the municipality;

- (c) follow all instructions regarding access to the actual disposal, transfer or recycling point and the place where and the manner in which the waste should be deposited; and
 - (d) where applicable, purchase or show the required disposal coupon in accordance with the weight of the waste disposed.
- (3) No person may bring any intoxicating liquor or narcotic substances into any waste handling or waste disposal facility.
 - (4) The municipality may prescribe the maximum size of a vehicle allowed to enter a waste handling or waste disposal facility.

38. Accepting waste from others

- (1) The municipality may consider an application from another municipality to dispose waste at a designated waste disposal facility provided that the acceptance of waste from another municipality will not impact on the municipality's authority and ownership of the said waste disposal facility.
- (2) The municipality may allow a person to dispose waste generated outside the municipality's municipal area at a designated waste disposal facility of the municipality provided such person first becomes a licensed service provider as provided for in this by-law.
- (3) The tariffs applicable to licensed service providers referred to in subsection (2) may differ from the waste disposal tariffs stipulated in the municipality's Tariff by-laws.

**CHAPTER 6
LITTERING AND DUMPING**

39. Provision of facilities for waste

- (1) The municipality must take reasonable steps to ensure that enough containers are provided for the discarding of waste by the public on any premises to which the public has access.
- (2) The owner or occupier of private land to which the public has access must ensure that sufficient containers are provided to contain litter which is discarded by the public.

40. Littering and dumping

- (1) No person may drop, throw, deposit, spill, dump or in any other way discard, any waste into or onto any public place, public road, road, municipal drain, land, vacant erf, stream or any other places not allowed for in this by-law or allow any person under their control to do so.
- (2) An authorised official may act against a contravention of subsection (1) through a written notice directing such person to—
 - (a) cease the contravention within a specified time;
 - (b) prevent a repeat of the contravention or a further contravention;
 - (c) take whatever measures that the municipality considers necessary to clean up or remove the waste and rehabilitate the affected environment within a specified time; or
 - (d) to pay a fine or appear in court in terms of section 56 of the Criminal Procedure Act, 1977 (Act 51 of 1977) ;
- (3) An owner or occupier of land or premises or any other person in control of land or premises, may not use or permit the land or premises to be used for unlawful dumping of waste and must take reasonable steps to prevent the use of the land or premises for that purpose.
- (4) Should the municipality regard it necessary to remove waste from land or premises, the owner, occupier or person having control over the land or premises will be held liable for the costs incurred by the municipality for the removal operation.
- (5) In the case of hazardous waste, the municipality will remove such waste as soon as possible and thereafter issue notices to the person liable for the cost of removal and rehabilitation of the environment.
- (6) The owner of private land to which the public has access must ensure that sufficient containers are provided to contain litter which is discarded by the public.

41. Burning of waste

Burning of waste is strictly prohibited unless authorised by the Chief Fire Officer in terms of the Fire Safety by-law of the municipality.

42. Abandoned objects

A person who abandons any article which may be classified as waste in terms of this by-law, is liable for any damage which that article has caused or may cause as well as for the cost of removing that article notwithstanding the fact that such person may no longer be the owner thereof.

**CHAPTER 7
EXTERNAL SERVICE PROVIDERS**

**Part 1
Licensed Service Providers for Commercial Services**

43. Licence applications

- (1) No person may provide commercial services for the collection and transport of waste in the municipal area unless he or she has registered with the municipality and obtained a licence authorising these waste management activities.
- (2) An application for a license must be submitted in writing in a format or on a form prescribed by the municipality accompanied by the prescribed fee and, unless subsection (3) applies, the municipality's prior approval for the collection and transportation of waste.
- (3) Any person already providing these commercial services at the commencement of this by-law, must within ninety days of such commencement date submit an application for a licence in terms of subsection (1), failing which the person will as from the date that the said ninety days' period expired no longer be able to render such services in the municipal area.
- (4) The municipality must consider and grant or reject an application submitted in terms of this section within thirty days of its receipt having regard to the health, safety and environmental record of the applicant and the nature of the commercial service to be provided and will furnish written reasons if such application is rejected.
- (5) Registration as a service provider does not entitle the service provider to render a removal service without the municipality's approval of an exemption in terms of section 66.

44. Terms and conditions of licences

- (1) A licence must-
 - (a) clearly identify the license holder;
 - (b) specify the licence period;
 - (c) specify the categories of waste which the licensed service provider may collect, transport and dispose;
 - (d) outline the information recording and submission requirements of the municipality for its own integrated waste management plan and SAWIS; and
 - (e) specify other procedural matters that may be necessary.
- (2) A licence—
 - (a) may not be ceded or assigned without the prior written consent of the municipality;
 - (b) is valid for one year from the date of issue; and
 - (c) is valid only for the categories of waste specified therein.
- (3) A licence authorisation may include a display sticker for each of the vehicles identified in the application indicating the validity period and the category of waste for which the licence is granted, which sticker must be clearly displayed on the front window of the vehicles.
- (4) The municipality will not receive waste at its waste handling facilities or waste disposal facilities from service providers who are not able to provide proof of the licence authorisation should it be requested and without a licence sticker on the vehicle.
- (5) A licensed service provider may not fail or refuse to provide the municipality with any information reasonably requested with regards to the terms and conditions of the licence or give false or misleading information.

- (6) A licensed service provider is fully liable for any act or omission by any of his or her employees if such an act or omission is a transgression of the licence conditions or have a detrimental impact on human health or the environment.

45. Renewal of licences

- (1) A licence renewal application must be submitted at least sixty days prior to the expiry date thereof and must be considered and either granted or rejected by the municipality within thirty days of receipt of the renewal application. The municipality must provide reasons for the rejection of a licence renewal.
- (2) Notwithstanding anything to the contrary in this by-law, the municipality must temporary extend a licence for a period not exceeding thirty days if a service provider followed the correct procedure as contemplated in subsection (1) and due to the municipality's processes, the renewal application has not been considered.

46. Suspension and revocation of licences

- (1) The municipality may suspend or revoke a licence if a service provider failed to comply with any of the terms and conditions of the licence or any other provision of this by-law, or any national or provincial legislation regulating the collection, transportation or disposal of waste or any other grounds considered by the municipality as substantive reason to revoke or suspend a licence.
- (2) The municipality must give a licensed service provider written notice of the intended suspension or revocation of his or her licence and thirty days from the date of issuing the notification to submit reasons for such action not to be taken by the municipality.
- (3) Irrespective of a representation being made by the licensed service provider, the municipality must notify him or her of its decision within 14 days after expiry of the time given for response.

47. Licence exemptions

The municipality may exempt a service provider or a commercial service from any or all the provisions in Part 1 of Chapter 7 and such other sections as may be deemed necessary by the municipality.

48. Consumer responsibilities

The owner or occupier of premises or the holder of waste that contracts with a licensed service provider must ensure that—

- (a) the service provider is licensed to collect and transport the categories of waste for which he or she is contracted;
- (b) until such time as the licensed service provider collects such waste from the premises on which it was generated, the waste is stored in an approved container and no nuisance with regard to dust, odours or health, is caused by the handling of the waste in the course of its generation, storage or collection; and
- (c) the service rendered is only in respect of the categories of waste authorised in the licence.

Part 2

Municipal Service Providers

49. Outsourcing of services

The municipality may enter into agreements with external service providers, whether public or private, for the rendering of municipal waste services and activities and must do so in accordance with municipal, provincial and national legislation.

50. Consumer charter

If a service provider as contemplated in section 49 is appointed by the municipality, to render a service to a large geographical area or part of its population, the service provider may be required to compile and adopt a consumer charter in consultation with the community.

CHAPTER 8 GENERAL

51. Ownership

- (1) The person or entity holding the licence to operate a waste handling or a waste disposal facility becomes the owner of all waste upon disposal thereof at that facility.
- (2) A person who generates domestic or business waste is the owner thereof until it is collected by the municipality.

52. Access to premises

- (1) Should the municipality be impeded from collecting or handling waste due to the layout of the premises or such layout is likely to result in damage to private property or municipal property or injury to the municipality's employees, the municipality may require the owner or occupier to do such alterations as necessary at own cost to remove any impediments.
- (2) Should the owner or occupier refuse to comply with the municipality's request, the municipality may suspend the service and require the owner or occupier to indemnify it in writing in respect of such damage or injury or any claims arising of either before resuming the service.

CHAPTER 9 COMPLIANCE AND ENFORCEMENT

53. Compliance with this by-law and other laws

- (1) The owner or occupier of premises is responsible for ensuring compliance with this by-law.
- (2) Any person entity who requires a waste related license or authorisation must submit proof of such license or authority to an authorised official upon request.

54. Authorisation of an authorised official

- (1) The municipality or a service provider as contemplated in section 49 of this by-law, may authorise any person in its employ give effect to the provisions of this by-law.
- (2) The waste management officer of the municipality is an authorised official.

55. Functions and powers of an authorised official

An authorised official may execute work, conduct an inspection and monitor and enforce compliance with this by-law and, as applicable, national and provincial legislation relating to waste management.

56. Service of notices and documents

- (1) A notice or document issued by the municipality in terms of this by-law must be deemed to be duly authorised if an authorised official signed it.
- (2) If a notice or document is to be served on an owner, occupier or any other person in terms of this by-law it shall be deemed to be effectively and sufficiently served on such a person-
 - (a) when it has been delivered to him or her personally or to his or her duly authorised agent;
 - (b) when it has been left at his or her residence or place of business or employment to a person apparently not less than sixteen years of age and residing or employed there;
 - (c) if he or she has nominated an address for legal purposes, having been delivered to such an address;
 - (d) if he or she has not nominated an address for legal purposes, having delivered it to the address given by him or her in his or her application for the provision of waste services, for the reception of an account for the provision of waste services;
 - (e) when it has been sent by pre-paid registered or certified post addressed to his or her last known address for which an acknowledgement of the posting thereof will be obtained from the postal service;
 - (f) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
 - (g) if service cannot be effected in terms of subsections (a) to (f), by affixing it to a conspicuous place on the premises concerned.

57. Compliance notices

- (1) An authorised official may issue a written notice to any person contravening the provisions of this by-law.
- (2) A notice in terms of subsection (1) must
 - (a) provide details of the provision of the by-law that has not been complied with;
 - (b) provide the owner, occupier, or other party a reasonable opportunity to make representations within a specified period;
 - (c) specify the steps that the owner, occupier or other person must take to rectify or remedy the failure;
 - (d) specify the period within which the owner, occupier or other person must take these steps to rectify the failure; and
 - (e) indicate that the municipality may-
 - (i) if the notice is not complied with, undertake or allow the work that is necessary to rectify the failure to be undertaken and recover from the owner, occupier or other person the actual cost of such work; and
 - (ii) take any other action it deems necessary to ensure compliance.
- (3) If an owner or occupier or any other person fails to comply with a written notice in terms of this by-law, the municipality may take such action as is necessary to ensure compliance, including-
 - (a) undertaking the actions or work necessary and recovering the cost of such actions or work from the owner, occupier or other person; or
 - (b) instituting legal proceedings against the owner, occupier, or other person in terms of the Criminal Procedures Act, 1977 (Act 51 of 1977);
- (4) In the event of an emergency the municipality may without prior notice undertake the work contemplated in subsection (3) and recover such costs from the owner, occupier or other person..
- (5) The actual costs recoverable by the municipality in terms of subsections (3) and (4) shall be the full costs associated with such work.
- (6) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of issue of such notice.
- (7) A notice or document issued in terms of subsection (2) is valid until one of the following events occurs:
 - (a) it is carried out;
 - (b) it is cancelled by the authorised official who issued it or, in that person's absence, by a person with similar authority;
 - (c) the purpose for which it was issued, has lapsed.

58. Power of entry and inspection

- (1) An owner or occupier must, on request, allow an authorised official access to premises to carry out such inspection and examination as he or she may deem necessary to investigate any contravention of this by-law and ensure compliance therewith.
- (2) When accessing the premises, the authorised official must, if requested, identify himself or herself by means of an appointment certificate.

59. Using force to enter

Force may not be used to affect entry to execute work or conduct an inspection on any premises unless an emergency arises.

60. Liabilities and compensation

The municipality will not be liable for damages or compensation arising from anything done by it in terms of this by-law.

61. False statement or information

No person may make a false statement or furnish false information to the municipality, an authorised official or an employee of the municipality, or falsify a document issued in terms of this by-law.

62. Seizure and impoundment of vehicles

- (1) An authorised official may, without a warrant, seize and impound a vehicle which is used in the commission of an offence or is on reasonable grounds believed to be used in the commission of an offence in terms of this by-law.
- (2) The authorised official, at the time of seizure of the vehicle, must give the person in control of the vehicle a notice setting out –
 - (a) the reason for the seizure of the vehicle;
 - (b) the description of the vehicle being seized;
 - (c) the address and contact details of the designated pound;
 - (d) the payment of an impoundment fee; and
 - (e) the possibility of the impounded vehicle being sold, subject to a court order, to recover the costs.
- (3) A vehicle which has been seized and impounded in terms of subsection (1) and (2) must be taken to a designated pound where it will be retained and dealt with in terms of subsection (4).
- (4) The impounded vehicle must be released to the rightful owner under the following conditions:
 - (a) if a criminal charge is not laid or no fine is issued within 48 hours of the seizure of the vehicle;
 - (b) where the criminal charges against the person have been withdrawn or the person has been acquitted of the offence charged;
 - (c) in the case where the person is convicted of the offence charged, and unless the court has ordered otherwise, on payment of the impoundment fee to the Municipality; or
 - (d) payment of admission of guilt fine where a fine has been imposed in terms of section 56 of the Criminal Procedure Act, 1977 (Act 51 of 1977).

63. Appeal

A person whose rights are affected by a decision of the municipality in terms of delegated authority may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

64. Offences

- (1) It is an offence for any person to -
 - (a) refuse to grant an authorised official access to premises to which that authorised official is duly authorised to have access;
 - (b) obstruct, interfere or hinder an authorised official who is exercising a power or carrying out a duty under this by-law;
 - (c) fail or refuse to provide an authorised official with a document or information that the person is required to provide under this by-law;
 - (d) give false or misleading information to an authorised official;
 - (e) prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of this by-law;
 - (f) pretend to be an authorised official;
 - (g) alter an authorisation to an authorised official or written authorisation, compliance notice or compliance certificate issued in terms of this by-law;
 - (h) enter any premises without a written notification in circumstances requiring such notification;
 - (i) act contrary to a written notice or document issued in terms of this Chapter;
 - (j) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of this by-law, except –
 - (i) to a person who requires that information in order to perform a function or exercise a power in terms of this by-law;
 - (ii) if the disclosure is ordered by a court of law; or
 - (iii) if the disclosure is in compliance of the provisions of any law.
 - (k) contravene or fail to comply with any of the provisions of this by-law;
 - (l) fail to comply with any notice issued in terms of this by-law;
 - (m) fail to comply with any lawful instruction given in terms of this by-law;

- (n) contravene or fail to comply with any conditions imposed upon the granting of any licence, consent approval, concession, exemption or authority in terms of this by-law.
 - (o) litter or dump any volume of waste or hazardous waste;
 - (p) cause spillage or leakage of any volume of waste or hazardous waste without putting in place suitable mitigating measures;
 - (q) convey an uncovered or unsecured load of waste or hazardous waste of any volume; or
 - (r) convey an uncovered or unsecured load which results in spillage of any volume of waste or hazardous waste.
- (2) A person who causes or incites another person to commit an offence referred to in subsection (1), or who, being in a position of authority over another person, permits or allows him or her to commit an offence, will be guilty of that offence.
- (3) Failing to comply with a notice issued in terms of this by-law constitutes a continuing offence.

65. Penalties

- (1) Any person who contravenes any of the provisions of section 64 shall be guilty of an offence and liable on conviction to-
- (a) a fine or imprisonment or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
 - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.
- (4) In addition to any penalty imposed in terms of subsection (1) the municipality may order the person responsible to remove such waste and determine what measures must be taken to remedy the situation and the payment of the expenses incurred in respect thereof or any other costs or damages.

66. Application of this By-Law

This by-law applies to all persons or entities, including organs of State, situated within the area of jurisdiction of the Drakenstein Municipality.

67. Exemptions

- (1) Any person may, by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of this by-law.
- (2) The municipality may:
- (a) grant an exemption in writing in which the conditions and terms, if any, and the period for which such exemption is granted is stipulated;
 - (b) alter or cancel any existing exemption or condition in such exemption after due notice to the person concerned; or
 - (c) refuse to grant an exemption in which case reasons for the refusal must be furnished to the person concerned.
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2) however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- (4) If any condition of an exemption is not complied with, the municipality may revoke the exemption after due notice to the person concerned.

68. Repeal of by-laws

The following by-laws are hereby repealed:

- (a) Drakenstein Municipality: By-law Relating to Refuse Removal, 13/2007;
- (b) Drakenstein Municipality: By-law Relating to Control of Waste Disposal Sites, 17/2007 – (a) –(b) both promulgated in Provincial Gazette No. 6426 dated 16 March 2007;
- (c) Drakenstein Municipality: Integrated Waste Management By-law, 2013 published in the Provincial Gazette No 7184 dated 4 October 2103.

69. Transitional arrangements

Anything done under or in terms of any provision repealed by this by-law shall be deemed to have been done under the corresponding provisions of this by-law and the repeal in section 68 shall not affect the validity of anything done under the by-law so repealed.

70. Short title and commencement

This by-law is called the Drakenstein Municipality: Integrated Waste Management By-law 2020, and commences on the date of publication in the *Provincial Gazette*.

**DR JH LEIBBRANDT
CITY MANAGER**

DRAKENSTEIN MUNISIPALITEIT
GEÏNTEGREERDE AFVALBESTUURSVERORDENING: 2020

Ingevolge Artikel 156(2) van die Grondwet, 1996 verorden Drkaenstein Munisipaliteit, soos volg:-

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HOOFSTUK 1 ALGEMENE BEPALINGS

1. Definisies en interpretasie

In hierdie verordening verwys manlik ook na vroulik; enkelvoud sluit meervoud in en andersom en ingeval van 'n teenstrydigheid in die Engelse en Afrikaanse weergawes, sal die Engelse weergawe beslissend wees; en tensy dit uit die samehang anders blyk beteken

“afval” enige stof, ongeag of dit verminder, hergebruik, hersirkuleer of herwin kan word of nie—

- (a) wat surplus, ongewens, verwerp, weggegooi, agtergelaat of mee weggedoen is;
- (b) waarvoor die persoon wat dit gegeneer het geen verdere produktiewe gebruik het nie;
- (c) wat behandel of mee weggedoen moet word; of
- (d) wat per proklamasie deur die Minister as 'n afval geïdentifiseer is insluitende afval gegeneer deur die mynbou, mediese of ander sektore, maar—
 - (i) 'n nuwe-produk word nie as afval gereken nie; en
 - (ii) enige gedeelte van afval wat hergebruik, hersirkuleer of herwin word, is nie meer afval nie;

“afvalband” 'n nuwe, gebruikte, versoolde, of onpadwaardige band, ongeskik om versool, herstel of verkoop te word as 'n gebruikte band en ook nie geskik vir wat dit oorspronklik bedoel was nie; **“afvalbestuursaktiwiteit”** enige een of meer van die aktiwiteite gelys in die NOBW, waarin 'n houër van afval betrokke mag wees;

“afvalbestuursbeampte” 'n persoon deur die munisipaliteit aangewys vir die koördinerende van afvalbestuursaangeleenthede;

“afvalbestuursdienste” dienste verwant aan enige een of meer van die afvalbestuursaktiwiteite;

“afvalbestuursplan” 'n afvalbestuursplan deur die munisipaliteit benodig ingevolge hierdie verordening en die NOB:AW;

“afvalhanteringsfasiliteit” enige terrein of perseel wat afval ontvang, opgaar, hanteer, herwin, sorteer en tydelik berg of behandel voordat dit vir finale wegdoening oorgelaai of oorgeplaas word en wat bedryf word ingevolge 'n lisensie uitgereik deur 'n statutêre lisensie-owerheid of andersins in gevolge die bepalinge van die NOBW;

“afvalinligtingstelsel” SAAIS;

“afvalsak” 'n plastieksak van 750mm x 950mm en ten minste 22 mikron dik of soos andersins voorgeskryf deur die munisipaliteit en dieselfde is van toepassing op 'n blikuitvoering;

“afvalverwyderingstelsel” beteken 'n stelsel waardeur afval verwyder en weggedoen word deur die munisipaliteit;

“afvalwegdoeningsfasiliteit” enige terrein of perseel wat afval vir die behandeling of wegdoening daarvan ontvang en wat bedryf word ingevolge 'n lisensie uitgereik deur 'n statutêre lisensie-owerheid of ingevolge die bepalinge van die NOBW en afvalstortingsfasiliteit het dieselfde betekenis;

“algemene afval” afval wat nie 'n onmiddellike gevaar of bedreiging vir gesondheid of die omgewing inhou nie en sluit in huishoudelike afval, besigheidsafval, bouafval, onaktiewe afval en tuinafval;

“berging” die opgaar van afval op 'n wyse wat nie neerkom op die behandeling of wegdoening van sodanige afval nie;

“besigheidsafval” afval, ander dan gevaarlike afval, gesondheidsorg afval, bouafval, industriële afval, tuinafval, lywige afval, spesiale afval en spesiale industriële afval gegeneer op persele wat gebruik word vir kommersiële doeleindes en op woonpersele waar kommersiële aktiwiteite plaasvind en sakeondernemingsafval het 'n soortgelyke betekenis;

“besmetlike afval” afval wat gegeneer word tydens diagnose, behandeling of immunisering van mense of diere, as deel van die navorsing verwant hieraan, in die vervaardiging of toetsing van biologiese agente insluitende bloedprodukte, kulture, patologiese afval, skerp voorwerpe, mens -en dier liggaamlike afval en geïsoleerde afval wat besmetlike stowwe bevat of kan bevat;

“besoedeling” enige verandering in die omgewing wat veroorsaak is deur-

- (a) stowwe; of
- (b) radio-aktiewe of ander golwe; of
- (c) geraas, reuke, stof of hitte, vrygestel van enige aktiwiteit, insluitende die berging of behandeling van afval of stowwe, konstruksie en die voorsiening van dienste, ongeag of enige persoon of 'n staatsinstelling daarby betrokke is, waar die verandering ter sprake 'n nadelige uitwerking het op menslike gesondheid of welstand of op die samestelling, herstelvermoë en produktiwiteit van natuurlike of bestuurde ekosisteme, of op materiale wat vir mense gebruikswaardig het of in die toekoms sodanige effek sal hê;

"bouafval" afval geproduseer gedurende die konstruksie, verbouing, herstel of sloping van enige struktuur, mensgemaak of natuurlik, en sluit in rommel, grond, plantegroei, hout en rots verplaas gedurende sodanige konstruksie, verbouing, herstel of sloping, maar uitgesluitgevaarlike afval en tuinafval;

"daaglikse" bederfbare besigheidsafval wat deur hotelle, restaurante, voedselwinkels, hospitale, of kroëë gegeneer word en wat op 'n meer gereelde, dikwels daaglikse, basis verwyder moet word om te verhoed dat die afval dekomposteer en 'n oorlas of omgewings –of gesondheidsrisiko word;

"diensvlakke" die frekwensie van munisipale diens en die tipe dienspunt;

"e-afval" elektriese en elektroniese toerustingafval soos beligtingstoerusting, stroombaanborde, mobiele fone, rekenaars, televisiestelle, en oudio-visuele toerusting wat steeds hoofsaaklik as huishoudelike of besigheidsafval hanteer word maar ten opsigte waarvan daar 'n groot behoefte en potensiaal is vir herwinning;

"eienaar" sluit in-

- (a) die persoon by wie die regstittel ten opsigte van die perseel berus, insluitende, maar nie beperk nie, tot die geregistreerde eienaar ooreenkomstig die titelakte;
- (b) waar die persoon by wie die regstittel van 'n perseel berus insolvent of oorlede is of wat om welke rede ook al regsonbevoeg is, die persoon by wie die administrasie en beheer van sodanige perseel as kurator, trustee, eksekuteur, administreerder, geregtelike bestuurder, likwidateur of ander regsverteenvoerder berus;
- (c) in die geval waar die munisipaliteit nie die identiteit van so 'n persoon kan vasstel nie, 'n persoon wat geregtig is op die voordeel van die gebruik van sodanige perseel of gebou of geboue daarop;
- (d) in die geval van 'n perseel waarvan die huurooreenkoms vir 'n tydperk van tien jaar of langer aangegaan en in die akteskantoor geregistreer is, die huurder daarvan;
- (e) met betrekking tot-
 - (ii) 'n stuk grond afgebaken op 'n deelplan wat ingevolge die Wet op Deeltitels, 1986 (Wet 95 van 1986), geregistreer is, die ontwikkelaar of die regs persoon ten opsigte van die gemeenskaplike eiendom; of
 - (iii) 'n deel soos omskryf in die Wet op Deeltitels, die persoon op wie se naam sodanige deel kragtens 'n deeltitelakte geregistreer is, en ook die wettig aangestelde verteenwoordiger van so 'n persoon;
- (f) die persoon wat onroerende eiendom by die munisipaliteit gekoop het ingevolge 'n skema waarvolgens die koopprijs in paaiemente betaal word en nie oordrag van die munisipaliteit ontvang het nie;

"geïntegreerde afvalbestuursplan" 'n geïntegreerde afvalbestuursplan benodig deur die munisipaliteit in terme van hierdie verordening of soos vereis in terme van enige ander toepaslike wetgewing;

"geleentheidsafval" afval afkomstig van die aktiwiteite verwant aan 'n geleentheid wat in die munisipale gebied plaasgevind het;

"gelisensieerde diensverskaffer" 'n persoon of entiteit goedgekeur deur en geregistreer by die munisipaliteit en in besit van 'n lisensie vir die verwydering en vervoer van spesifieke tipes afval in die munisipale gebied;

"gemagtigde amptenaar" 'n afvalbestuursbeampte of 'n ander persoon in diens van die munisipaliteit en gemagtig daartoe deur die munisipaliteit vir die implementering van hierdie verordening, of 'n werknemer van 'n diensverskaffer aangestel deur die munisipaliteit om munisipale dienste te verrig en gemagtig daartoe deur die munisipaliteit in terme van hierdie verordening binne die omvang van die magte, funksies en verpligtinge aan die diensverskaffer toegesê;

"gesondheidsorgafval" alle afval gegeneer deur of afkomstig van mediese sorg of mediese navorsing met inbegrip van, maar nie beperk tot besmetlike afval, patologiese afval, skerp afval, farmaseutiese afval, genotoksiese afval, chemiese afval, drukhouerafval, afval met swaar metale, radio-aktiewe afval, of enige afval wat met bloed, liggaamsvloeistowwe of menslike weefsel of geïnfekteerde diere van veeartsenykundige praktyke in aanraking was;

"gesondheidsorg risiko afval" alle gevaarlike afval gegeneer by enige gesondheidsorgfasiliteit soos 'n verswakingsorgeenheid, hospitaal, kliniek, laboratorium, mediese navorsingsinstituut, tandheelkundige of mediese praktisyn of veearts insluitende, maar nie beperk tot besmetlike afval, patologiese afval, skerp afval, farmaseutiese afval, genotoksiese afval, chemiese afval, drukhouerafval, afval met swaar metale, radio-aktiewe afval, of enige afval wat met bloed, liggaamsvloeistowwe of menslike weefsel of geïnfekteerde diere van veeartsenykundige praktyke in aanraking was;

"gevaarlike afval" enige afval wat organiese of nie-organiese elemente of samestellings bevat wat as gevolg van die inherente fisiese, chemiese of toksikologiese eienskappe daarvan, 'n wesentlike nadelige uitwerking op gesondheid en die omgewing kan hê;

“gevaarlike chemiese stof” enige toksiese, skadelike, korroderende, branderige, bytende of verstikkende stof of mengsels van sodanige stowwe ten opsigte waarvan-

(a) ’n beroeps blootstellingslimiet voorgeskryf is;

(b) ’n beroeps blootstellingslimiet nie voorgeskryf is nie maar wat ’n gevaar vir gesondheid en die omgewing inhou;

“gevaarlike huishoudelike afval” gevaarlike afval gegeneer in ’n huishouding in klein hoeveelhede in ooreenstemming met die huisverbruik van materiale soos verwe en oplosmiddels, outomobielaafval, insekdodende middels, elektroniese goedere, lugverfrissers of sodanige middels in drukhouers, skoonmaakmiddels, batterye, fluoresseerlampe en toestelle wat koelgas bevat;

“goedgekeurde” in die konteks van houers, houervoerings, afvalsakke, afvalhouers en omhulsels goedgekeur deur die munisipaliteit of ’n gelisensieerde diensverskaffer vir die verwydering en berging van afval;

“goedgekeurde besigheidsafvalhouer” ’n goedgekeurde houer met ’n bergingskapasiteit van 240 liter, ’n goedgekeurde houer met ’n bergingskapasiteit van 770 liter of enige ander goedgekeurde houer vir besighede soos deur die munisipaliteit voorgeskryf;

“goedgekeurde houer” ’n houer goedgekeur om huishoudelike –of besigheidsafval tydelik te berg totdat dit deur die munisipaliteit of ’n gelisensieerde diensverskaffer verwyder word;

“goedgekeurde huishoudelike afvalhouer” ’n goedgekeurde houer met ’n bergingskapasiteit van 240 liter of enige ander goedgekeurde houer vir huishoudings soos deur die munisipaliteit voorgeskryf;

“groepontwikkeling” ’n hoë digtheid residensiële ontwikkeling met gemeenskaplike grond of fasiliteite wat beheer word deur ’n huiseienaarsvereniging, regs persoon of bestuursliggaam;

“lywige afval” beteken afval wat as huishoudelike -of besigheidsafval geklassifiseer kan word maar wat as gevolg van die massa, vorm, grootte of omvang daarvan nie maklik in ’n goedgekeurde houer opgehoop of daaruit verwyder kan word nie;

“herwinbare afval” afval wat van die afvalstroom geskei kan word en opsygesit word vir doeleindes van hergebruik;

“herwinning” ’n proses waardeur afval herwin word en kan insluit die skeiding van afval van ’n afvalstroom vir verdere gebruik;

“herwinning van stowwe” enige proses waar stowwe uit die afvalstroom verwyder word met die doel om dit weer te gebruik of te hersirkuleer of te behandel;

“houer van afval” enige persoon of entiteit wat afval invoer, genereer, kollekteer, versamel, verwyder, hanteer, opgaar, berg, vervoer, verwerk, oorlaai, behandel, verhandel, uitvoer, herwin, hergebruik of daarmee wegdoen insluitende sorteerdere en herwinnaars van afval, afvalminimiseringsgroepe, skroothandelaars en terugkoopinisiatiewe;

“huishoudelike afval” afval wat op ’n perseel gegeneer word voortspruitend uit die primêre gebruik van die perseel vir--

(a) residensiële doeleindes;

(b) onderwys, sport -en ontspanningsdoeleindes;

(c) openbare aanbidding, insluitende ’n saal of ander gebou vir godsdienstige doeleindes en sluit in huishoudelike gesondheidsorgafval en gevaarlike huishoudelike afval, maar uitsluitend van gevaarlike afval, besigheidsafval, bouafval, tuinafval, lywige afval, spesiale afval, vloeistowwe of nagvuil;

“huishoudelike gesondheidsorgafval” gesondheidsorgafval gegeneer in ’n huishouding in klein hoeveelhede in ooreenstemming met die huisverbruik van materiale vir mediese doeleindes en sluit in afval soos spuitnaalde, ongebruikte medisynes en pille en gebruikte verbande wat ’n gesondheidsgevaar kan inhou as die wegdoening daarvan nie op ’n geskikte wyse geskied nie;

“industriële afval” afval gegeneer deur middel van vervaardigings, industriële, fabrieks, prosesserings, aftakelings of onderhoudsaktiwiteite en sluit in afval gegeneer deur kommersiële landbou of mynbou aktiwiteite of ’n kragstasie, maar sluit nie enige ander kategorie van afval in nie;

“kommersiële dienste” enige afvalbestuursdiens, verwant tot of gekoppel aan die opgaar, kollektering, verwydering, bestuur, herwinning, sortering, berging, behandeling, vervoer, wegdoening, koop of verkoop van afval of enige ander wyse van afvalhantering uitsluitende dienste wat deur die munisipaliteit gelewer word;

“landbou en plaas afval” Ie afval gegeneer op plase as deel van landbouprosesse of deur gewone huishoudelike of besigheidsaktiwiteite en mag verskillende tipes afval insluit;

“minimisering” die maatreëls wat die munisipaliteit, inwoners, besighede en industrieë implementeer om die generering en wegdoening van afval te vermy en die volume en toksisiteit van afval te verminder;

“Minister” ie Minister van die Departement van Omgewingsake;

“munisipaliteit” die Drakenstein Munisipaliteit, gestig ingevolge Artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), en sluit enige politieke struktuur, politieke ampsdraer, raadslid, behoorlik gemagtigde agent daarvan of enige werknemer daarvan in wat optree in verband met hierdie verordening uit hoofde van ’n mag wat in die munisipaliteit gevestig is en na sodanige politieke struktuur, politieke ampsdraer, raadslid, agent of werknemer gedelegeer of gesubdelegeer is;

“munisipale diens” die diens gelewer met betrekking tot die verwydering van afval insluitende huishoudelike afval, besigheidsafval en daaglikse en die verwante afvalaktiwiteite voorsien deur die munisipaliteit of ’n diensverskaffer namens die munisipaliteit; ingevolge hierdie verordening;

“nuwe produk” ’n stof wat geproduseer word as deel van ’n proses wat primêr daarop gerig is om ’n ander substansie of produk te produseer en wat die eienskappe het van ’n ekwivalente nuwe produk of materiaal;

“NOB:AW” die Nasionale Omgewingsbestuur: Afvalwet, 2008 (Wet 59 van 2008);

“NOBW” die Nasionale Omgewingsbestuurswet, 1998 (Wet 107 van 1998);

“okkupeerder” ’n persoon wat enige perseel of ’n gedeelte daarvan okkupeer ongeag die titel waaronder hy of sy so okkupeer en sluit in –

- (a) enige persoon wat werklike okkupasie van die perseel het;
- (b) enige persoon wat regtens aanspraak het om die perseel te okkupeer;
- (c) die persoon wat vir eie reg of as ’n agent vir enige ander persoon, daarin geïnteresseerd of daarop geregtig, die huurgelde betaalbaar ontvang in die geval van die onderverdeling van die perseel en die verhuring daarvan aan loseerders of verskeie huurders;
- (d) enige persoon wat in beheer of bestuur van die perseel is insluitende die agent van enige sodanige persoon terwyl die persoon nie in die Republiek van Suid-Afrika is nie of dit nie bekend is waar die persoon hom of haarself bevind nie; of
- (e) die eienaar van die perseel;

“omgewing” die individuele dele en totale som van al die elemente, eienskappeen toestande wat gesamentlik die omgewing skep waarin lewende organismes bestaan insluitende enige deel of kombinasie van die interverwantskappe onder en tussen hulle;

“omgewingsnoodtoestand” enige situasie wat ernstige skade aan menslike gesondheid of beskadiging van die omgewing veroorsaak het of kan veroorsaak, ongeag of die potensiaal vir skade onmiddellik of vertraag is;

“onaktiewe afval” afval wat –

- (a) na die wegdoening daarvan nie enige betekenisvolle fisiese, chemiese of biologiese verandering ondergaan nie;
- (b) nie brand, fisies reageer of chemies afbreek of andersins enige ander stowwe of die omgewing waarmee dit in kontak mag kom, nadelig affekteer nie; en
- (c) as gevolg van die besoedelingsinhoud en die onbeduidende toksisiteit van die loging nie ’n negatiewe uitwerking op die omgewing het nie;

“oorlas” enige besering, skade, benadeling, ongerief, of ergernis teenoor ’n persoon veroorsaak op enige wyse deur die onbehoorlike hantering of bestuur van afval, insluitende maar nie beperk tot die berging, plasing, verwydering, vervoer of wegdoening van afval of deur rommelstrooiing;

“openbare kennisgewing” ’n kennisgewing aan die publiek op ’n wyse vasgestel deur die munisipaliteit;

“openbare pad” enige pad, straat of deurgang of enige ander plek (of dit ’n deurgang is of nie) wat algemeen deur die publiek of enige gedeelte van die publiek gebruik word of waartoe die publiek of enige gedeelte van die publiek die reg van toegang het en sluit in –

- (a) die rand van enige sodanige pad, straat of deurgang;
- (b) enige brug, pont of drif deurkruis deur enige sodanige pad, straat of deurgang; en
- (c) enige ander werk of objek wat of deel vorm van of gekoppel is aan of behoort aan sodanige pad, straat of deurgang;

“openbare plek” enige openbare gebou, openbare pad, oorhoofse brug, duikweg, tunnel, geplaveide of natuurlike voetpad, sypaadjie, laning, oop ruimte, sportgronde tuin, munisipaal-omheinde ruimte en enige pad, plek of deurgang ongeag hoe dit ontstaan het maar wat ongesteund deur die publiek gebruik word of waartoe die publiek die reg van toegang of gebruik het;

“perseel” ’n erf of enige ander gedeelte van grond, insluitende die gebou daarop of enige ander struktuur wat vir besigheids, industriële -of residensiële doeleindes gebruik word;

"persoon" enige natuurlike persoon, plaaslike regeringsliggaam of soortgelyke owerheid, 'n firma geïnkorporeer onder enige wet, 'n eenheid van mense hetsy geïnkorporeer of nie, 'n statutêre liggaam, 'n publieke utiliteitsliggaam, vrywillige assosiasie of trust;

"rente" 'n heffing met dieselfde regseienskappe as diensgelde en bereken in terme van hierdie verordening op alle agterstallige bedrae gehê as voorgeskrewe fooie vir afvalbestuursdienste teen 'n standaardtarief gelykstaande aan die rentekoers soos deur die munisipaliteit bepaal;

"rommel" enige objek, stof of materiaal wat deur 'n persoon weggegooi word in enige plek behalwe 'n goedgekeurde afvalafvalhouer voorsien vir wegdoening van die spesifieke afval of by 'n afvalstorting –of afvalhanteringsfasiliteit;

"SAAIS" die nasionale afvalinligtingstelsel deur die nasionale regering totstand gebring in ooreenstemming met NOB:AW;

"SANS" beteken Suid-Afrikaanse Nasionale Standaard;

"skade aan die omgewing" enige sigbare of onsigbare besoedeling, enadeling of skade aan die omgewing;

"spesiale afval" nie-gevaarlike industriële afval wat 'n paar verskillende tipes afval kan insluit waarvan die fisiese of chemiese eienskappe of beide, vereis dat die afval by 'n afvalstortingsfasiliteit op 'n spesiale wyse hanteer moet word insluitend gekontameneerde grond, rou dieremis, dooie diere en enige ander stof wat spesiale afval is;

"spesiale industriële afval" afval bestaande uit vloeistof, sliem of soliede stof, wat die resultaat is 'n vervaardigingsproses, industriële behandeling of die behandeling wat die wegdoening van enige industriële of vloeibare mynbou afval voorafgaan;

"Stelselwet" die Plaaslike Regering: Munisipale Stelselwet, 2000 (Wet 32 van 2000);

"stort" die plasing van of wegdoening met afval op enige plek anders as binne 'n goedgekeurde afvalhouer of 'n plek deur die munisipaliteit aangewys as 'n afvalhanteringsfasiliteit of 'n afvalstortingsfasiliteit;

"Strukturewet" die Plaaslike Regering: Munisipale Strukturewet, 1998 (Wet 117 van 1998);

"tarief" die jaarliks hersiene verbruikersgelde vir die voorsiening van die munisipale diens soos deur die munisipaliteit bepaal;

"toepaslike koste" die diensgeld, tarief, basiese tarief, subsidie of enige ander koste wat deur die munisipaliteit voorgeskryf word;

"tuinafval" organiese afval wat uit huishoudelike tuinaktiwiteite voortspruit insluitende grassnysels, blare, plante, blomme, takke, boomstompe en ander soortgelyke afval;

"tuindienste-aktiwiteite" die voorsiening van tuindienste insluitende die sny van gras, snoei van bome of enige ander tuinboukundige aktiwiteit insluitende landskapskepping vir enige huishoudelike, besigheid, kommersiële, institusionele, onderwys en opleiding, ontspanning of industriële persele;

"vervoer" die beweging van afval van een plek na 'n ander;

"verwydering" die aktiwiteit gerig op die kollektoring van afval by die plek waar dit gegenerer of geberg word deur die munisipaliteit of 'n gelisensieerde diensverskaffer en versameling het 'n soortgelyke betekenis;

"volhoubare ontwikkeling" die integrasie van sosiale, ekonomiese -en omgewingsfaktore in beplanning, implementering en besluitneming om te verseker dat ontwikkeling die huidige en toekomstige generasies dien;

"voorgeskrewe geld" 'n fooi insluitende 'n tarief of ander kostevastelling deur raadsbesluit bepaal;

"voorgeskrewe tarief" beteken 'n skedule van voorgeskrewe gelde soos vervat in die munisipaliteit se egrotting;

"voorrangafval" afval wat as sodanig deur die munisipaliteit of deur nasionale of provinsiale wetgewing verklaar is en mag bepaal dat ten opsigte daarvan noodmaatreëls deur die munisipaliteit geneem word;

"wegdoeningskoepon" 'n koepon goedgekeur deur en verkrygbaar van die munisipaliteit wat die houër daarvan magtig om dit te gebruik vir die wegdoening van 'n voorgeskrewe volume en tipe afval by 'n goedgekeurde afvalstortingsfasiliteit of 'n afvalhanteringsfasiliteit;

"werksdag" 'n dag anders as 'n Saterdag, Sondag of openbare vakansiedag maar in die konteks van die munisipaliteit se afvalwegdoening -en afvalhanteringsfasiliteite sluit dit alle kalenderdae in behalwe Sondae, en geestelike vakansiedae;

2. Beginsels

- (1) Dit is die munisipaliteit se verantwoordelikheid om te verseker dat alle afval wat binne die munisipale gebied gegenerer word—
 - (a) ingevolge hierdie verordening verwyder, mee weggedoen of herwin word; en
 - (b) dat sodanige verwydering, wegdoening of herwinning die afvalbestuurshiërargie wat in subartikel (2) uiteengesit is, in ag neem.

- (2) Die beginsel wat hierdie verordening onderlê is die vestiging van 'n afvalbestuurshiërargie in die volgende prioriteitsorde—
- vermyding, minimisering en vermindering van afval;
 - hergebruik van afval;
 - herwinning, herverwerking en behandeling van afval; en
 - wegdoening met afval.
- (3) 'n Gemagtigde amptenaar moet waar redelik moontlik, die afvalhiërargie gespesifiseer in subartikel (2) in ag neem.

3. Hoof doelwitte

- (1) Die hoof doelwitte van hierdie verordening is—
- om die verwydering, hantering, berging, vervoer, herwinning, behandeling en wegdoening van afval te reguleer;
 - om die nastrewing van 'n geïntegreerde afvalbestuursbenadering te bevorder;
 - om die voorsiening van munisipale dienste deur 'n diensverskaffer en kommersiële dienste deur gelisensieerde diensverskaffers te reguleer; en
 - om volhoubare ontwikkeling te bevorder.
- (5) 'n nastrewing van die hoofdoelwitte van hierdie verordening, sal die munisipaliteit binne sy administratiewe en finansiële vermoë—
- poog om plaaslike gemeenskapsdeelname in afvalbeplanning te verseker;
 - poog om die gebruik van natuurlike hulpbronne te minimiseer;
 - die herwinning en hergebruik van afval bevorder;
 - die skeiding van afval om die hergebruik en herwinning daarvan te bevorder;
 - die effektiewe verkryging, beplanning en lewering van munisipale dienste en kommersiële dienste bevorder;
 - poog om in plaaslike verband geïntegreerde afvalbestuur, beplanning en dienste te bereik;
 - omgewingsverantwoordelike munisipale dienste en kommersiële dienste bevorder en verseker; en
 - daarna streef om nakoming van die bepalinge van hierdie verordening te verseker.

4. Take en verpligtinge

- (1) 'n Houer van afval moet alle redelike maatreëls tref om:
- afvalgenerering te vermy of te verminder en die toksisiteit van die afval wel gegenerer te minimiseer;
 - afval te herwin en te hergebruik;
 - op 'n omgewingsverantwoordelike wyse met afval weg te doen;
 - afval so te bestuur dat dit nie gesondheid of die omgewing in gevaar stel nie en geen geraas, reuk – of gesigsteurnis veroorsaak nie;
 - te voorkom dat afval gebruik word vir 'n ongemagtigde doel insluitende optrede om te voorkom dat persone onder sy of haar beheer hierdie verordening oortree.
- (2) 'n Persoon wat 'n produk verkoop wat deur die publiek gebruik mag word en waarskynlik die generering van gevaarlike afval tot gevolg sal hê, moet alle redelike stappe neem om die publiek oor die uitwerking van sodanige afval op gesondheid en die omgewing, in te lig.
- (3) Die munisipaliteit of 'n gemagtigde amptenaar mag van enige persoon wat onderhewig is aan die take en verpligtinge soos opgelê in subartikels (1) en (2) vereis om maatreëls te tref om nakoming van hierdie take en verpligtinge te verseker; welke maatreëls mag wees om—
- die uitwerking op die omgewing te ondersoek en te evalueer;
 - werknemers omtrent die omgewingsrisikos van hulle werk en die wyse waarop hulle hul take moet uitvoer in te lig en op te lei ten einde die veroorsaking van besoedeling of degradering van die omgewing te vermy;
 - enige handeling, aktiwiteit of proses wat besoedeling of degradering veroorsaak, te beëindig, verander of te beheer;
 - die beweging van besoedelende stowwe of oorsake van degradering inperk of voorkom;
 - enige bronne van besoedeling of degradering uitskakel;
 - die effek van besoedeling of degradering reg te stel.

HOOFSTUK 2 GEÏNTEGREERDE AFVALBESTUUR

5. Afvalbestuursplanne

- (1) Die munisipaliteit moet—
 - (a) 'n geïntegreerde afvalbestuursplan ingevolge die voorskrifte van nasionale wetgewing daarstel, nagaan en hersien;
 - (b) jaarliks verslag doen oor die implementering van sy geïntegreerde afvalbestuursplan; en
 - (c) die voorgeskrewe gemeenskapskonsultasie ten opsigte van van subartikels (1)(a) en (b) nakom.
- (2) 'n Persoon wat 'n geleentheid in die munisipale gebied wil organiseer of aanbied moet ten minste een maand voor die gebeurtenis by die munisipaliteit 'n afvalbestuursplan indien wat insluit die afvalbestuursdienste wat voorsien sal word en enige ander inligting wat deur die munisipaliteit vereis word.
- (3) Die munisipaliteit mag afhangende van die grootte, aard en duur van die geleentheid, voorwaardelike vrystelling van subartikel (2) toestaan;
- (4) 'n Eienaar of okkupeerder of enige ander persoon verantwoordelik vir 'n nuwe ontwikkeling moet voor die aanvang daarvan en tydens die ontwikkeling 'n geïntegreerde afvalbestuursplan indien insluitende sodanige inligting as wat die munisipaliteit mag benodig.
- (5) Die munisipaliteit mag van 'n houer van afval wat betrokke is by 'n afvalbestuursaktiwiteit gelys in terme van artikel 19 van die NOB:WA, vereis om 'n geïntegreerde afvalbestuursplan binne 'n spesifieke tyd in te dien en daarna met tussenposes samehangend met die vereistes van nasionale en provinsiale wetgewing of standaardde.
- (6) Die munisipaliteit mag van enige houer van afval, uitsluitend huishoudelike afval, vereis om binne 'n redelike tyd en daarna met tussenposes, 'n geïntegreerde afvalbestuursplan, insluitend inligting soos deur die munisipaliteit bepaal, of, indien van toepassing, 'n kopie van sy industrie se afvalbestuursplan soos deur nasionale wetgewing vereis, in te dien.
- (7) Indien 'n geïntegreerde afvalbestuursplan soos na verwys in subartikels (4), (5) of (6) op enige wyse verander of gewysig word, moet die houer van afval die veranderde of gewysigde plan by die munisipaliteit indien.

6. Afvalinligtingstelsel

- Die munisipaliteit moet 'n afvalinligtingstelsel daarstel en onderhou insluitende inligting betreffende die vlakke en omvang van afvalbestuursdienste en wanneer vereis, moet sodanige inligting op die SAAIS en die provinsiale afvalinligtingstelsel geplaas word.
- (2) Die munisipaliteit mag van 'n houer van afval vereis om binne 'n redelike tyd of op 'n gereelde basis, van data, dokumente, inligting, monsters of materiale in te dien of te verskaf
 - (3) Die munisipaliteit mag 'n persoon of houer van afval wat op die SAAIS of die provinsiale afvalinligtingstelsel geregistreer behoort te wees, versoek om sodanige registrasie te doen en bewys daarvan in te dien of om binne 'n redelike tydperk bewys te lewer dat hy of sy nie 'n afvalbestuursaktiwiteit uitvoer wat sodanige registrasie verplig nie.

7. Minimisering en herwinning van afval

- (1) Die munisipaliteit moet ooreenkomstig sy verantwoordelikhede en hulpbronne, progressief maatreëls implementeer om afval te verminder en die herwinning, hergebruik en hersirkulasie van afval insluitende die skeiding van afval by die bron daarvan te bevorder.
- (2) Die munisipaliteit mag op 'n gereelde basis en wyse wat as toepaslik beskou word erkenning gee aan uitstaande prestasie met betrekking tot afvalvermyding, afvalminimisering, herwinning of ander afvalbestuurspraktyke wat omgewingsverantwoordelike en geïntegreerde afvalbestuur bevorder.

8. Afvalbestuursaktiwiteite

- (1) Die munisipaliteit mag van 'n houer van afval wat geklassifiseer, opgeteken, geëtiketteer of op enige wyse geassesseer of hergeassesseer moet word, vereis om bewys te lewer dat dit aan die toepaslike voorskrifte van nasionale en provinsiale wetgewing en standaardde voldoen en die munisipaliteit moet ten opsigte van sy eie afvalbestuursaktiwiteite streng hou by sodanige wetgewing en standaardde.

- (2) Die munisipaliteit moet afvalbergingsfasiliteite, voertuigskroting of herwinningsfasiliteite en enige ander fasiliteite waar materiale geskik vir herbenutting of hersirkulasie herwin word, goedkeur, inspekteer en monitor in ooreenstemming met nasionale en provinsiale wetgewing en standarde asook hierdie verordening en mag van die eienaars of okkupeerders van sodanige persele vereis om sodanige inligting, planne en rekords as wat die munisipaliteit nodig mag ag, in te dien ten einde die munisipaliteit in staat te stel om sy pligte as afvalbestuursowerheid te vervul.

HOOFSTUK 3 AFVALVERWYDERING

9. Diensvlakke

Die afvalverwyderingsdiensvlakke mag tussen areas verskil gegrond op praktiese en koste- oorweginge vir dienslewering. Diensvlakke in gebiede mag wissel tussen-

- (a) terplaate en gereelde gekontroleerde of gemoniteerde wegdoening;
- (b) verwydering deur die gemeenskap na 'n sentrale verwyderingspunt;
- (c) georganiseerde verwydering na 'n sentrale verwyderingspunt en sypaadje-verwydering; en
- (d) 'n kombinasie van hierdie diensvlakke.

10. Verpligte gebruik van diens

- (1) Niemand, uitgesonderd die munisipaliteit of 'n persoon deur die munisipaliteit daartoe gemagtig, mag afval vanaf enige perseel verwyder of daarmee wegdoen nie en die eienaar of okkupeerder van 'n perseel moet van die afvalverwyderingsdiens van die munisipaliteit gebruik maak.
- (2) Die tariewe vir afvalverwydering soos deur die munisipaliteit vasgestel is deur die eienaar betaalbaar aan die munisipaliteit, ongeag of van die diens gebruik gemaak word, al dan nie, uitgesonderd waar vrystelling ingevolge artikel 67 verleen is.
- (3) Die afvalverwyderingsdiens gelewer ingevolge subartikel (1) sal vervat word in die diensooreenkoms gesluit met die munisipaliteit welke ooreenkoms skriftelik gewysig mag word om voorsiening te maak vir 'n toename in die frekwensie of volume van die afvalverwyderingsdiens indien so vereis deur die munisipaliteit of op versoek van die eienaar of okkupeerder van 'n huishoudelike of besigheidsperseel.
- (4) Besikbaarheidsgelde mag op onbeboude persele gehef word.
- (5) Die munisipaliteit mag bepaal watter afval items nie geskik is vir verwydering nie of as lywige afval geklassifiseer kan word en, indien sodanige bepaling gemaak word, mag die munisipaliteit vir die eienaar van die afval of okkupeerder van die perseel 'n proses vir verwydering en wegdoening van sodanige afval aanbeveel.
- (6) Indien die munisipaliteit se geskeduleerde afvalverwyderingsdienste vir watter rede ookal onderbreek word, moet die munisipaliteit die diens so gou as redelik moontlik hervat en agterstande as 'n prioriteit hanteer.
- (7) Klagtes oor die afvalverwyderingsdiens sal ingevolge die die munisipaliteit se kliëntesorgbeleid hanteer word.

11. Frekwensie

- (1) Die munisipaliteit moet huishoudelike afval en besigheidsafval ten minste een keer per week op geskeduleerde datums vir die verskillende gebiede, verwyder. Indien verwyderingsreëlins hersien word, sal okkupeerders of eienaars redelike vooraf kennisgewing van veranderings ontvang.
- (2) Die munisipaliteit mag bepaal watter besigheidspersele afval genereer wat as daaglikse gesien kan word en mag opdrag gee dat die frekwensie van afvalafvalverwydering wat ten opsigte van sodanige persele geld verhoog word soos voorsien in artikel 10(2).
- (5) Indien die munisipaliteit van mening is dat 'n besigheid 'n oorlas, gesondheidsrisiko, reukergernis of gevaar vir openbare gesondheid veroorsaak omdat afval nie oor naweke verwyder word nie, mag die dit opdrag gee dat die eienaar of okkupeerder gebruik maak van 'n addisionele afvalverwyderingsdiens wat teen 'n voorgeskrewe koste gedurende naweke deur die munisipaliteit voorsien mag word.
- (6) 'n Eienaar of okkupeerder van 'n besigheidsperseel wat 'n weeklikse afvalverwyderingsdiens ontvang mag, soos voorsiening gemaak in artikel 10(2), skriftelik by die munisipaliteit aansoek doen om die verwyderingsdiens meermale per week te ontvang indien beskikbaar.

12. Volume

- (1) Die munisipaliteit mag—
 - (a) die aantal houers wat per afvalverwydering vanaf elke residensiële perseel verwyder sal word bepaal;
 - (b) die aantal houers bepaal wat per afvalverwydering van elke besigheidsperseel verwyder sal word gebaseer op 'n inspeksie van die afval volumes saam met die eienaar of okkupeerder; en
 - (c) die maksimum hoeveelheid besigheidsafval bepaal wat vir verwydering geplaas mag word sonder die voorsiening van 'n addisionele diens of die betaling van addisionele gelde.
- (2) Indien die munisipaliteit die voorsiening van 'n addisionele diens aan 'n residensiële of besigheidsperseel vereis of die eienaar of okkupeerder van 'n residensiële of besigheidsperseel versoek skriftelik dat die aantal goedgekeurde houers per afvalverwydering verhoog word, moet dit ooreenkomstig artikel 10(2) geskied.

13. Afvalhouers

- (1) Die munisipaliteit sal huishoudelike afval en besigheidsafval wat in 'n goedgekeurde afvalhouer geplaas is op 'n plek en in 'n toestand soos vasgestel verwyder. Afval wat in 'n houer of op 'n plek geplaas word wat nie volgens munisipale voorskrifte is nie, sal nie verwyder word nie.
- (2) Die munisipaliteit sal ooreenkomstig die afvalverwyderingsdiens wat in 'n gebied gelewer word, die volgende voorsien:
 - (a) elke individuele huishouding in hoë digtheidsgebiede met twee vullissakke per week;
 - (b) elke enkele stedelike residensiële perseel met een huishoudelike afvalhouer;
 - (c) elke groepsontwikkeling of ander perseel wat huishoudelike afval genereer soos skole, kerke en hospitale met die aantal huishoudelike afvalhouers soos deur die munisipaliteit bepaal; en
 - (d) elke besigheidsperseel met die aantal besigheidafvalhouers deur die munisipaliteit bepaal.
- (3) Indien die eienaar of okkupeerder van 'n besigheid -of residensiële perseel insluitende 'n groepsontwikkeling meer afvalhouers benodig, hetsy op skriftelike versoek of soos vereis deur die munisipaliteit, mag die munisipaliteit teen die voorgeskrewe gelde addisionele afvalhouers voorsien en 'n terugbetaalbare deposito vereis wat die eienaar of okkupeerder moet betaal voor aflewering daarvan by die perseel.
- (4) Afvalhouers deur die munisipaliteit voorsien in terme van subartikels (2) en (3) moet:
 - (a) reeksnommers hê wat gekoppel is aan die diensooreenkoms van 'n eienaar of okkupeerder van die perseel;;
 - (b) die munisipaliteit se eiendom bly;
 - (c) by beëindiging van die diensooreenkoms met die munisipaliteit deur die eienaar of okkupeerder aan die munisipaliteit terugbesorg word en indien 'n terugbetaalbare deposito daarvoor ontvang is, sal die deposito aan die eienaar of okkupeerder van die perseel terugbetaal word mits dit nog in 'n bruikbare toestand is;
 - (d) gratis deur die munisipaliteit vervang word indien sodanige vervanging geregverdig is deur normale verwerking;
 - (e) in die geval van diefstal-
 - (i) indien dit 'n eerste keer gebeur, gratis deur die munisipaliteit vervang word;
 - (ii) indien dit 'n tweede keer gebeur, teen vyftig persent van die koste daarvan deur die munisipaliteit vervang word; of
 - (iii) indien dit 'n derde of meer kere gebeur, teen honderd persent van die koste daarvan deur die munisipaliteit vervang word; met dien verstande dat 'n skriftelike versoek vir die vervanging, insluitende dokumentêre bewys dat die saak by 'n polisiekantoor aangemeld is, ingedien word;
- (5) Waar die munisipaliteit self 'n houer as vermis waarneem, en geen versoek om vervanging ingedien is nie, mag die munisipaliteit dit vervang en die koste daarvan van die eienaar of okkupeerder verhaal.
- (6) In die geval van beskadiging veroorsaak deur die eienaar of okkupeerder se nalatigheid, mag die houer deur die munisipaliteit vervang word na ontvangs van 'n skriftelike versoek en betaling van die vervangingskoste;
- (7) Die eienaar of okkupeerder van 'n residensiële -of besigheidsperseel sal verantwoordelik wees om die perseel se nommer op sy of haar houers aan te bring vir maklike identifisering daarvan en om munisipale werknemers te help met terugplasing daarvan by die regte perseel.
- (8) Houers vir die tydelike berging van afval by besigheids -of residensiële persele moet in goeie toestand onderhou word en geskik wees vir die veilige berging van afval sodat beskadiging van die omgewing en skade aan gesondheid voorkom word.

- (9) Geen persoon mag toelaat dat 'n dier in sy of haar beheer met 'n houer wat vir verwydering uitgeplaas is lol of dit omgooi of beskadig nie.
- (10) Die eienaar of okkupeerder van 'n besigheid of residensiële perseel moet verseker dat—
- 'n houer nie warm as, oop glas of ander huishoudelike afval of besigheidafval insluitende daaglikse bevat wat die munisipale werknemers in die uitvoering van hul pligte kan beseer of skade aan die houer kan veroorsaak nie;
 - geen stowwe of materiale, insluitende enige vloeistof, wat as gevolg van massa of ander eienskappe die hantering van 'n houer deur die munisipale werknemers onredelik moeilik sal maak, daarin geplaas word nie;
 - houers toegehou word vir skoon en higiëniese toestande en om dier –en inseksteurnisse en windgewaaide rommel te voorkom;
 - houers op 'n dag en tyd soos deur die munisipaliteit per geskrewe kennisgewing aan die eienaar of die okkupeerder gespesifiseer, buite die ingang tot die perseel geplaas word;
 - in ooreenstemming met munisipale spesifikasies voorsiening gemaak word vir spasio en enige ander fasiliteit wat die munisipaliteit nodig ag vir die berging van houer op 'n perseel sodat dit nie vanaf 'n openbare pad of openbare plek sigbaar is nie en die toegelate spasio vir die munisipaliteit se afvalverwyderingsvoertuie gerieflike toegang en uitgang bied;
 - die sygaardjie voor en aangrensend tot die perseel skoon en vry van afval gehou word.
- (11) Indien daaglikse genereer word moet die eienaar of okkupeerder verseker dat—
- die daaglikse nie in 'n houer geplaas word waar dit 'n ander afvalstroom kan kontamineer nie;
 - die houer nie meer as 20 meter vanaf die ingang tot die perseel waarvandaan die afval deur die munisipaliteit verwyder word, geplaas word nie.
- (12) Nieteenstaande enige iets tot die teendeel in hierdie verordening vervat, mag die munisipaliteit in aggenome die voorkoming van steurnisse en die gemak van afvalverwydering, 'n spesifieke posisie binne of buite 'n betrokke perseel aandui waar houer teen sekere tye en vir sekere periodes vir afvalverwydering geplaas moet word.
- (13) Geen eienaar of okkupeerder van 'n perseel mag enige vullissakke of goedgekeurde houer wat ander afval as huishoudelike -of besigheidafval bevat, buite 'n perseel plaas tensy die munisipaliteit dit vir spesifieke doeleindes goedgekeur het en onderhewig aan voorwaardes soos deur die munisipaliteit neergelê.

14. Gemeenskapsverwydering

- Die munisipaliteit sal in hoë digtheidsgebiede waar 'n volhoubare huishoudelike afvalverwyderingsdiens gelewer kan word, die afval van individuele huishoudings op 'n weeklikse basis verwyder.
- Die munisipaliteit sal geskikte grootmaathouers plaas by sentrale gemeenskapsverwyderingspunte.
- Gemeenskapsverwyderingspunte sal duidelik, afgebakende areas wees.
- Die grootmaathouers moet volgens munisipale spesifikasies wees en die plasing daarvan moet sover moontlik—
 - aan die gemeenskap veilige en maklike toegang daartoe bied;
 - windgewaaide rommel voorkom;
 - aan die munisipaliteit se afvalverwyderingsvoertuie maklike toegang bied.
- Die afval sal sover as redelik moontlik een keer per week verwyder word of binne 24 uur nadat 'n grootmaathouer as vol by die munisipaliteit aangemeld is.
- Afvalskeiding by bron sal ten opsigte van gemeenskapsverwydering aangemoedig word en indien lewensvatbaar, sal afsonderlike grootmaathouers vir nie-herwinbare en herwinbare afval by die gemeenskapsverwyderingspunte voorsien word.

15. Verwydering in landelike gebiede

- Waar dit nie vir die munisipaliteit ekonomies lewensvatbaar is om grootmaatafvalhouers of enige ander vorm van afvalverwydering in die landelike gebiede te voorsien nie, word gemeenskappe en boere aangemoedig om van die munisipaliteit se koeponstelsel gebruik te maak vir die wegdoening van afval by aangewese afvalhanterings –of afvalstortingsfasiliteite.
- Nieteenstaande bogenoemde, sal die munisipaliteit met plaaslike gemeenskappe saamwerk om koste-effektiewe maniere te vind waardeur afvalverwyderingspraktyke na die landelike gebiede uitgebrei kan word.

- (3) Die munisipaliteit is in ooreenstemming met nasionale wetgewing nie ten gunste van terplaatsse wegdoening van afval nie maar sal sodanige terplaatsse wegdoening van afval in landelike gebiede toelaat indien geen ander uitvoerbare alternatiew beskikbaar is nie; in welke geval die munisipaliteit sover moontlik toesig, monitering en beheer oor sodanige praktyke sal uitoefen.

16. Herwinning

- (1) Die munisipaliteit mag enige eienaar of okkupeerder van 'n besigheid -of residensiële perseel of enige houer van afval in gebiede deur die munisipaliteit bepaal, versoek om—
- (a) afval te skei in herwinbare afval, byvoorbeeld e-afval, plastiek, papier en glas en nie-herwinbare afval ingevolge die voorskrifte van die munisipaliteit;
 - (b) verskillende houers vir die afval wat so geskei is, te gebruik inooreenstemming met die munisipaliteit se aanwysings of soos deur die munisipaliteit voorsien;
 - (c) die houers gevul met herwinbare afval op 'n tyd en dag soos deur die munisipaliteit bepaal buite die ingang tot die perseel te plaas of, indien so versoek, dit aflaai by plekke, soos deur die munisipaliteit aangedui; en
 - (d) enige ander redelike voorgeskrewe prosedures te volg.
- (2) Die munisipaliteit mag aflaaistaties skep op plekke wat maklik toeganklik en veilig is vir die publiek.

17. Opgaar van afval

- (1) Die eienaar of okkupeerder van 'n besigheid of residensiële perseel moet seker maak dat alle huishoudelike – of besigheidsafval op die perseel gegeneer uitgeplaas word vir verwydering en nie opgehoop word nie.
- (2) Waar 'n tipe of hoeveelheid afval nie deur die munisipaliteit of 'n gelisensieerde diensverskaffer op 'n gereelde basis deur verwyder word nie, moet die eienaar of okkupeerder van die perseel of die houer van die afval reëlings tref vir die verwydering, vervoer en wegdoening van die afval by 'n afvalhanterings –of afvalstortingsfasiliteit so dikwels as nodig om enige ergernis of nadelige uitwerking op menslike gesondheid of die omgewing te voorkom.
- (3) Die munisipaliteit mag enige perseel waar afval, ongeag die tipe, opgehoop word, betree en die persoon wat die afval genereer of die eienaar of die okkupeerder van die tersaaklike perseel beveel om die afval onmiddellik te verwyder by versuim waarvan die munisipaliteit mag voortgaan om dit self te doen op koste van die persoon verantwoordelik vir die ophoping.

HOOFSTUK 4

HANTERING VAN VERSKILLENDE Tipes AFVAL

Deel 1

Tuinafval

18. Kompostering

Die eienaar of okkupeerder van 'n perseel waarop tuinafval gegeneer word mag die tuinafval op die perseel komposteer, met dien verstande dat sodanige kompostering nie 'n ergernis veroorsaak of 'n nadelige uitwerking op menslike -en omgewingsgesondheid het nie.

19. Verwydering en wegdoening met tuinafval

- (1) Die eienaar of okkupeerder van 'n perseel waarop nie-komposteerbare tuinafval gegeneer word moet binne 'n redelike tyd nadat sodanige afval gegeneer is, die afval verwyder en daarmee wegdoen by die naaste afvalhantering –of afvalstortingsfasiliteit, tensy die munisipaliteit anders bepaal.
- (2) Op versoek van die eienaar of okkupeerder van enige perseel kan die munisipaliteit tuinafval van die perseel verwyder onderhewig aan betaling van die koste en die voorwaardes deur die munisipaliteit vasgestel.

Deel 2 Lywige Afval

20. Verwydering en wegdoening

- (1) Die eienaar of okkupeerder van 'n perseel waarop lywige afval gegeneer word moet verseker dat sodanige afval binne veertien dae na generering daarvan verwyder en mee weggedoen word by 'n afvalhantering –of afvalstortingsfasiliteit deur die munisipaliteit bepaal.
- (2) Op die versoek van die eienaar of die okkupeerder van enige perseel, mag die munisipaliteit lywige afval vanaf die perseel verwyder teen die voorgeskrewe tarief mits, dit moontlik is met die bekikbare toerusting.

Deel 3 Bouafval

21. Planne en inspeksie

- (1) Die eienaar of okkupeerder of enige persoon verantwoordelik vir die indiening van bouplanne vir 'n nuwe gebou of 'n verandering aan 'n bestaande gebou moet in die planne die wyse aandui waarop bouafval hanteer sal word.
- (2) 'n Gemagtigde amptenaar van die munisipaliteit moet 'n inspeksie doen en verifieer dat die afvalreëlings soos beoog in subartikel (1), wel nagekom is en alle bouafval mee weggedoen is, as deel van die munisipaliteit se finale aftekening van die bou-aktiwiteite.

22. Generering en berging

- (1) Nieteenstaande die afvalreëlings beoog in artikel 21, moet die eienaar of okkupeerder van 'n perseel waarop bouafval gegeneer word of die persoon betrokke by die aktiwiteit wat sodanige afval genereer, verseker dat—
 - (a) alle bouafval en die houers vir die berging daarvan gehou word op die perseel waar die bouafval gegeneer word;
 - (b) die perseel waarop die bouafval gegeneer word nie onooglik of 'n ergernis word as gevolg van die opgaan daarvan nie;
 - (c) enige bouafval wat van die perseel gewaai word, sonder versuim herwin word.
- (2) Op skriftelike versoek en onderhewig aan voorwaardes soos wat deur die munisipaliteit vasgestel mag word, kan die munisipaliteit die gebruik van 'n goedgekeurde grootmaathouer wat vir 'n gespesifiseerde tydperk op die grens van die perseel geplaas word, goedkeur.
- (3) Die munisipaliteit mag 'n eienaar of okkupeerder van 'n perseel waarop bouafval gegeneer word of die persoon betrokke by die aktiwiteit wat sodanige afval genereer, opdrag gee om spesiale houers vir die wegdoening van die afval te gebruik en sal 'n tarief vir die gebruik van sodanige houers vasstel, indien dit deur die munisipaliteit verskaf word.

23. Verwydering en wegdoening

- (1) Die eienaar of okkupeerder van 'n perseel waarop bouafval gegeneer word of die persoon betrokke by die aktiwiteit wat sodanige afval genereer, moet verseker dat alle bouafval deurentyd gedurende konstruksie verwyder en mee weggedoen word om onnodige ophoping te voorkom..
- (2) Bouafval moet weggedoen word by 'n afvalhantering of afvalstortingsfasiliteit deur die munisipaliteit bepaal.

Deel 4 Spesiale Industriële, Gesondheidsorg en Gevaarlike Afval

24. Kennisgewing en verifiëring

- (1) 'n Persoon wat betrokke is by aktiwiteite wat spesiale industriële, gevaarlike -of gesondheidsorgafval sal genereer moet voor die generering van sodanige afval die munisipaliteit skriftelik in kennis stel van-
 - (a) die verwagte of vasgestelde samestelling van sodanige afval;
 - (b) die hoeveelheid wat gegeneer sal word;
 - (c) hoe en waar dit geberg sal word;

- (d) hoe dit verwyder en mee weggedoen sal word; en
 - (e) die identiteit van die gelisensieerde diensverskaffer wat verantwoordelik sal wees vir die verwydering, vervoer en wegdoening daarvan.
- (2) 'n Persoon wat betrokke is in die afvalaktiwiteit waarna verwys word in subartikel (1) en wat daargestel is en in bedryf was voor die inwerkingtreding van hierdie verordening, moet die munisipaliteit binne negentig dae vanaf die inwerkingtreding van hierdie verordening skriftelik daarvan in kennis stel en die inligting soos bedoel in subartikel (1) voorsien.
 - (3) Indien die munisipaliteit dit vereis moet 'n kennisgewing soos na verwys in subartikel (1) of (2) gestaaf word deur—
 - (a) 'n assessering en analise van die afval se samestelling gesertifiseer deur 'n toepaslik gekwalifiseerde industriële chemikus;
 - (b) veiligheids datablaaie of voltooië afvaldokumente; en
 - (c) sodanige ander rekords wat vereis word om nakoming van toepaslike wetgewing, nasionale standaarde en SANS Kodes te verifieer.
 - (4) Die persoon waarna verwys word in subartikel (1) of (2) moet ingeval van enige veranderinge en jaarliks voor of op 30 Junie, by die munisipaliteit 'n skriftelike verslag indien wat—
 - (a) al die inligting insluit soos in subartikel (1);
 - (b) vereis, en, die stawende dokumente soos aangedui in subartikel (3) bevat; en
 - (c) enige ander inligting wat redelikerwys benodig mag word.
 - (5) 'n Gemagtigde amptenaar mag op enige redelike tyd, 'n perseel betree om seker te maak of die afval waarna subartikel (1) verwys op die perseel gegeneer of geberg word en hy of sy mag monsters neem en enige afval wat op die perseel gevind word toets om die samestelling daarvan vas te stel.

25. Berging

- (1) Spesiale industriële, gesondheidsorg -en gevaarlike afval wat op 'n perseel gegeneer word moet op die perseel geberg word in 'n goedgekeurde houder totdat dit verwyder word en dit moet dienooreenkomstig toepaslike wetgewing, nasionale standaarde en SANS Kodes en op so wyse geberg word dat dit nie 'n ergernis of skade aan menslike gesondheid of besoedeling van die omgewing kan veroorsaak nie.
- (2) Indien die afval waarna in subartikel (1) verwys word nie in ooreenstemming met hierdie voorskrifte geberg word nie, mag die munisipaliteit inligting van die inhoud, hoeveelheid en aanvangsdatum van berging vereis en indien sodanige inligting nie beskikbaar is nie mag die munisipaliteit die persoon wat die afval genereer of die eienaar of die okkupeerder van die perseel waarop sodanige afval geberg word opdrag gee om onmiddellik die afval te verwyder by versuim waarvan die munisipaliteit self mag voortgaan om dit te doen op koste van die eienaar of okkupeerder van die perseel waarop die afval geberg word.

26. Verwydering en wegdoening

- (1) Slegs 'n gelisensieerde diensverskaffer mag spesiale industriële, gesondheidsorg -en gevaarlike afval vanaf die perseel waar dit geberg word verwyder en daarmee wegdoen by 'n afvalstortingsterrein wat dienooreenkomstig gelisensieer en deur die munisipaliteit aangewys is om sodanige afval te ontvang.
- (2) 'n Gelisensieerde diensverskaffer moet die afval waarna in subartikel (1) verwys word, verwyder, vervoer en mee wegdoen in ooreenstemming met die terme en voorwaardes van sy lisensie en in nakoming van toepaslike wetgewing, nasionale standaarde en SANS Kodes.

Deel 5

Industriële Afval en Spesiale Afval

27. Berging

- Die eienaar of okkupeerder van 'n perseel waarop industriële afval of spesiale afval gegeneer word moet verseker dat tot tyd en wyl die afval deur 'n gelisensieerde diensverskaffer van sodanige perseel verwyder word—
- (a) die afval dienooreenkomstig toepaslike wetgewing, nasionale standaarde en SANS Kodes geberg word in goedgekeurde houers wat nie op 'n openbare plek gehou word nie; en
 - (b) geen ergernis, gesondheidsrisiko of omgewingskade tydens die generering of berging van die afval veroorsaak word nie.

28. Verwydering en wegdoening

- (1) Slegs 'n gelisensieerde diensverskaffer mag industriële –of spesiale afval vanaf die perseel waar dit geberg word verwyder en wegdoen by 'n afvalstortingsterrein wat dienooreenkomstig gelisensieer en deur die munisipaliteit aangewys is om sodanige afval te ontvang.
- (2) 'n Gelisensieerde diensverskaffer moet die afval waarna in subartikel (1) verwys word, verwyder, en daarmee wegdoen in ooreenstemming met die terme en voorwaardes van sy lisensie en onderhewig aan die vereistes van enige toepaslike wetgewing, nasionale standaarde en SANS Kodes.
- (3) Die munisipaliteit mag spesifieke tye bepaal vir die ontvangs van spesiale afval by die terrein waarna in subartikel (1) verwys word.

Deel 6**Bande, Onbruikgemaakte Voertuie of Masjinerie en Afvalmetaal****29. Berging en wegdoening**

- (1) Geen eienaar of okkupeerder van 'n perseel met 'n operasionele area groter as die area soos bepaal ingevolge GK R921 van 29 November 2013 (Lys van afvalaktiwiteite wat waarskynlik 'n nadelige invloed op die omgewing mag hê) mag afvalbande, ongebruikte, geskrapte, afgetakelde, gesloopte of herwinde voertuie of masjinerie of afvalmetaal tydelik berg of opgaar tensy die afvalbestuursaktiwiteit ooreenkomstig nasionale standaarde bestuur word of gelisensieer is ingevolge nasionale wetgewing, soos toepaslik.
- (2) Afval soos bedoel in subartikel (1) word nie by enige van die munisipaliteit se afvalhantering –of afvalstortingsfasiliteite aanvaar nie en enige persoon wat met enige van hierdie artikels moet wegdoen, moet daarmee wegdoen by 'n afvalstortingsterrein soos deur die munisipaliteit aangewys en volgens die voorwaardes wat vir sodanige afvalstortingsterrein geld.
- (3) Die munisipaliteit mag die perseel van enige persoon bedoel in subartikel (1) betree en bewyse van enige planne insluitende 'n geïntegreerde afvalbestuursplan, lisensies of ander tersaaklike dokumente versoek om nakoming van toepaslike wetgewing te verifieer.

Deel 7**Herwinbare Afval****30. Berging, verwydering en wegdoening**

- (1) 'n Eienaar of okkupeerder van 'n perseel of enige ander persoon mag nie herwinbare afval tydelik opgaar, sorteer of berg op enige perseel binne die munisipale gebied nie tensy dit gedoen word in ooreenstemming met subartikel (2).
- (2) Enige eienaar of okkupeerder van 'n perseel of enige ander persoon moet voor die aanvang van 'n aktiwiteit wat die hergebruik, herwinning of herwinning van afval behels, nakoming van nasionale en provinsiale wetgewing en standaarde en toepaslike SANS Kodes ten opsigte van die afvalaktiwiteit verseker en die munisipaliteit voorsien met 'n afskrif van 'n geïntegreerde afvalbestuursplan en sodanige ander inligting as wat die munisipaliteit mag vereis.
- (3) Slegs 'n gelisensieerde diensverskaffer mag herwinbare afval vanaf die perseel waar dit gegenereer word of van ander afval geskei word, verwyder en daarmee wegdoen by 'n afvalhantering – of afvalstortingsfasiliteit deur die munisipaliteit aangewys om sodanige afval te ontvang.

Deel 8**Landbou -en Plaasafval****31. Wegdoening**

- (1) 'n Eienaar of okkupeerder van plaasgrond mag onderhewig aan subartikels (2) en (3) op die plaasgrond met afval wegdoen, maar die brand van afval is ten strengste verbode tensy verbranding goedgekeur is deur die Brandweerhoof ingevolge die Brandveiligheidsverordening van die munisipaliteit.
- (2) 'n Eienaar of okkupeerder van plaasgrond mag nie op die grond met enige hoeveelheid gevaarlike afval, wat in landbouafval aanwesig mag wees, wegdoen nie tensy hy of sy in besit is an 'n toepaslike afvalbestuurslisensie ingevolge nasionale wetgewing en, indien van toepassing, provinsiale wetgewing.

- (3) 'n Eienaar of okkupeerder van plaasgrond mag met algemene afval, wat landbou –en plaasafval mag insluit, op die grond wegdoen mits dit gedoen word dienooreenkomstig toepaslike wetgewing, nasionale standarde en SANS Kodes en, indien die hoeveelheid afval dit vereis, magtiging ingevolge 'n geldige afvalbestuurslisensie.
- (4) 'n Gemagtigde amptenaar van die munisipaliteit mag 'n eienaar of okkupeerder van plaasgrond wat hy of sy vermoed met gevaarlike afval of 'n groter hoeveelheid algemene afval as toegelaat op die grond wegdoen, versoek om bewys te lewer van die lisensies waarna in subartikels (2) of (3) verwys word en, ongeag die inhoud of die hoeveelheid van die afval waarmee op die grond weggedoen word, mag die munisipaliteit die eienaar of okkupeerder ook versoek om binne 'n neergelegte tydsraamwerk, 'n geïntegreerde afvalbestuursplan by die munisipaliteit in te dien.
- (5) 'n Eienaar of okkupeerder van plaasgrond mag skriftelik aansoek doen om van die munisipaliteit se afvalhantering –en afvalstortingfasiliteite gebruik te maak, welke goedkeuring aan die applikant toegang sal bied tot die munisipaliteit se koeponstelsel en sodanige fasiliteite as deur die munisipaliteit voorgeskryf vir die wegdoening van afval, uitsluitend gevaarlike en gesondheidsorgafval.

HOOFSTUK 5 VERVOER EN WEGDOENING

Deel 1 Vervoer van Afval

32. Veilige vervoer

Niemand mag—

- (a) 'n voertuig vir die vervoer van afval op 'n publieke pad gebruik tensy die bakwerk van die voertuig in terme van grootte en ontwerp voldoende is vir die tipe afval wat vervoer word; of
- (b) versuim om 'n voertuig wat vir die vervoer van afval gebruik word so te onderhou dat dit ten alle tye in 'n skoon, higiëniese en padwaardige toestand is.

33. Geen vermorsing of verspilling

'n Persoon wat afval deur die munisipale gebied vervoer moet verseker dat—

- (a) los afval op 'n oop voertuig bedek is met 'n seil of gepaste net; en
- (b) geen afval losraak, lek of afval van die voertuig wat dit vervoer nie.

34. Wetlike nakoming

'n Persoon wat afval vervoer, spesifiek gevaarlike afval, moet verseker dat hy of sy alle relevante nasionale en provinsiale wetgewing, nasionale standarde en SANS Kodes, nakom.

Deel 2 Wegdoening met Afval

35. Toegelate gebruik

- (1) Die munisipaliteit mag voorskryf watter tipes afval by 'n spesifieke afvalhantering –of afvalstortingsfasiliteit weggedoen mag word soos toegelaat ooreenkomstig die lisensievoorskrifte van elke fasiliteit.
- (2) Verskillende tariewe is van toepassing op die wegdoening van verskillende tipes en volumes afval, maar inwoners word toegelaat om gratis weg te doen met 'n sekere volume algemene afval soos deur die munisipaliteit bepaal.

36. Aanspreeklikheid

- (1) Niemand mag met afval wegdoen by 'n afvalstortingsfasiliteit wat nie vir die ontvangs van sodanige afval gelisensieer is nie en enige persoon wat enige van die munisipale voorskrifte soos beoog ingevolge artikel 35(1) oortree, sal aanspreeklik gehou word vir alle redelike koste deur die munisipaliteit aangegaan om die afval waarmee onregmatig weggedoen is, te verwyder en andersins mee te handel.

- (3) Die munisipaliteit sal nie aanspreeklik wees vir enige eis voortspruitend uit toegang tot enige afvalhantering – of afvalstortingsfasiliteit nie en enige persoon wat enige van die terreine van sodanige fasiliteite betree doen dit op eie risiko.

37. Gedrag by fasiliteite

- (1) Niemand mag 'n afvalhantering –of afvalstortingsfasiliteit betree vir enige ander rede as die wegdoening van afval ingevolge hierdie verordening nie en slegs op tye en tussen ure soos deur die munisipaliteit bepaal en aangedui op 'n duidelik sigbare kennisgewingbord by die ingang van die afvalhantering –of afvalstortingsfasiliteit.
- (2) 'n Persoon wat 'n afvalhantering –of afvalstortingsfasiliteit betree vir die wegdoening van afval moet—
- by die fasiliteit in –en uitgaan by die aangewese in –en uitgange;
 - alle besonderhede rakende die bron en samestelling van die afval verskaf en die munisipaliteit mag sodanige afval inspekteer;
 - alle instruksies volg rakende die werklike storting, oorlaai of herwinningspunt en die plek waar en wyse waarop die afval afgelaai moet word; en
 - waar van toepassing, die munisipaliteit se wegdoeningskoepon aankoop of toon in ooreenstemming met die gewig van die afval waarmee weggedoen word.
- (5) Niemand mag enige bedwelmende drank of narkotiese middel in enige van die munisipaliteit se afvalhantering –of afvalstortingsfasiliteite inbring nie.
- (6) Die munisipaliteit mag die maksimum grootte van 'n voertuig wat toegelaat sal word om 'n afvalhantering –of afvalstortingsfasiliteit binne te gaan, voorskryf.

38. Aanvaarding van afval van ander

- (1) Die munisipaliteit mag 'n aansoek van 'n ander munisipaliteit om met afval weg te doen by 'n afvalstortingsfasiliteit, oorweeg met dien verstande dat die aanvaarding van sodanige afval geen nadelige uitwerking sal hê op die munisipaliteit se bevoegdheid en eienaarskap van sodanige afvalstortingsfasiliteit nie.
- (2) Die munisipaliteit mag 'n persoon toelaat om by 'n aangewese afvalstortingsfasiliteit weg te doen met afval wat buite die munisipaliteit se gebied gegeneer is, met dien verstande dat so persoon eers ingevolge hierdie verordening 'n gelisensieerde diensverskaffer moet word.
- (3) Die tariewe van toepassing op gelisensieerde diensverskaffers soos in subartikel (2) verwys, mag verskil van die afvalwegdoeningstariewe gestipuleer in die munisipaliteit se Tariefverordening.

HOOFSTUK 6 AFVALSTROOIING EN STORTING

39. Voorsiening van fasiliteite vir afval

- (1) Die munisipaliteit moet redelike stappe neem om te verseker dat genoeg goedgekeurde houers vir die wegdoen van afval voorsien word op enige perseel waartoe die publiek toegang het.
- (2) Die eienaar of okkupeerder van private grond waartoe die publiek toegang het moet verseker dat genoegsame houers voorsien word vir die wegdoen van afval deur die publiek.

40. Afvalstrooiing en storting

- (1) Niemand mag enige afval laat val, gooi, plaas, mors, stort of op enige ander manier daarvan ontslae raak in of op enige openbare plek, openbare pad, pad, munisipale riool, grond, onbeboude erf, stroom of enige ander plekke wat ingevolge hierdie verordening nie toelaatbaar is nie of enige persoon onder sy of haar beheer toelaat om dit te doen nie.
- (2) 'n Gemagtigde amptenaar mag teen 'n oortreding van subartikel (1) optree deur 'n geskrewe kennisgewing wat sodanige persoon beveel om—
- die oortreding binne 'n bepaalde tyd te stop;
 - 'n herhaling van die oortreding of 'n verdere oortreding te voorkom;
 - enige maatreëls te neem wat die munisipaliteit as nodig beskou om die afval te verwyder of skoon te maak en die aangetaste omgewing binne 'n bepaalde tyd te rehabiliteer; of
 - 'n boete te betaal of in die hof te verskyn ingevolge die bepalings van artikel 56 van die Strafproseswet, 1977, (Wet 51 van 1977)

- (3) 'n Eienaar of okkuperder van grond of 'n perseel of enige ander persoon in beheer van grond of 'n perseel, mag nie grond of 'n perseel vir ongewettigde storting van afval gebruik of toelaat dat 'n ander dit doen nie en moet alle redelike stappe neem om sodanige gebruik van die grond of perseel te voorkom.
- (6) Indien die munisipaliteit dit nodig vind om afval vanaf grond of 'n perseel te verwyder, sal die eienaar, okkuperder of persoon wat beheer uitoefen oor die grond of perseel aanspreeklik gehou word vir die koste van die sodanige verwydering.
- (7) In die geval van gevaarlike afval, sal die munisipaliteit sodanige afval so spoedig moontlik verwyder en daarna die nodige kennisgewings uitreik aan die persoon aanspreeklik vir die verwyderingskoste en die rehabilitasie van die omgewing.
- (8) Die eienaar van private grond waartoe die publiek toegang het, moet verseker dat genoeg houers voorsien word vir afval wat deur die publiek weggedoen word.

41. Brand van afval

Die verbranding van afval is ten strengste verbode tensy dit gemagtig is deur die Brandweerhoof ingevolge die Brandveiligheidsverordening van die munisipaliteit.

42. Verlate voorwerpe

'n Persoon wat enige artikel wat ingevolge hierdie verordening as afval geklassifiseer kan word agterlaat, is aanspreeklik vir enige skade wat sodanige artikel mag veroorsaak of veroorsaak het sowel as die koste vir die verwydering daarvan niesteenstaande die feit dat sodanige persoon moontlik nie meer die eienaar daarvan mag wees nie.

HOOFSTUK 7 EKSTERNE DIENSVERSKAFFERS

Deel 1

Gelisensieerde Diensverskaffers van Kommersiële Dienste

43. Lisensie aansoeke

- (1) Geen persoon mag kommersiële dienste vir die verwydering en vervoer van afval in die munisipale gebied voorsien tensy hy of sy by die munisipaliteit geregistreer het en 'n lisensie wat hierdie afvalaktiwiteite magtig, bekom het nie.
- (2) 'n Aansoek vir 'n lisensie moet skriftelik ingedien word in 'n formaat of op 'n vorm deur die munisipaliteit voorgeskryf en die voorgeskrewe gelde, en tensy subartikel (3) van toepassing is, moet vooraf goedkeuring vir die verwydering en vervoer van afval die munisipaliteit verkry word.
- (3) Enige persoon wat reeds kommersiële dienste lewer ten tyde van die inwerkingtreding van hierdie verordening, moet binne negentig dae vanaf die inwerkingtredingsdatum 'n aansoek vir 'n lisensie soos beoog in subartikel (1) indien; 'n persoon wat versuim om sodanige aansoek in te dien mag na die verstryking van die gemelde negentig dae tydperk nie meer afvalverwydering en afvalvervoerdienste in die munisipale area lewer nie.
- (6) Die munisipaliteit moet 'n aansoek ingedien ingevolge hierdie artikel binne dertig dae van ontvangs daarvan oorweeg en of toestaan of afwys, inaggenome die gesondheid, veiligheid –en omgewingsrekord van die applikant en die aard van die kommersiële dienste wat voorsien moet word, en skriftelike redes verskaf indien die aansoek afgekeur is.
- (7) Registrasie as diensverskaffer verleen nie aan die diensverskaffer die reg om 'n afvalverwyderingsdiens te lewer sonder die munisipaliteit se goedkeuring vir vrystelling ingevolge artikel 67 nie.

44. Terme en voorwaardes van lisensies

- (1) 'n Lisensie moet-
 - (a) die lisensiehouer duidelik identifiseer;
 - (b) die lisensieperiode spesifiseer;
 - (c) die kategorieë van afval wat die gelisensieerde diensverskaffer mag verwyder en wegdoen bepaal;

- (d) die inligting wat bygehou moet word en die indieningsvereistes daarvan deur die munisipaliteit vir sy eie geïntegreerde afvalbestuursplan en SAAIS uitspel; en
 - (e) ander prosedures wat nodig mag wees vervat.
- (2) 'n Lisensie—
- (a) mag nie gesedeer of oorgedra word sonder die vooraf skriftelike instemming van die munisipaliteit nie;
 - (b) is geldig vir een jaar vanaf die datum van uitreiking; en
 - (c) is slegs geldig vir die kategorieë afval daarin gespesifiseer.
- (7) 'n Lisensiemagtiging moet vir elke voertuig wat in die lisensieaansoek geïdentifiseer is 'n vertoonskyfie insluit wat die lisensie se geldigheidsperiode en die kategorieë afval waarvoor dit toegestaan is aandui, welke skyfie duidelik op die voorste windskerf van die voertuig vertoon moet word.
- (8) Die munisipaliteit sal nie afval vir wegdoening by sy afvalhantering –of afvalstortingsfasiliteite vanaf diensverskaffers aanvaar wat, indien dit versoek sou word, nie bewys van die lisensiemagtiging kan lewer nie en nie 'n lisensieskyfie op die voorste windskerf van die voertuig vertoon nie.
- (9) 'n Gelisensieerde diensverskaffer mag nie versuim of weier om die munisipaliteit te voorsien met enige inligting wat redelikerwys betreffende die terme en voorwaardes van 'n lisensie versoek word nie, of vals of misleidende inligting verskaf nie.
- (10) 'n Gelisensieerde diensverskaffer is ten volle aanspreeklik vir enige handeling of versuim van enige van sy of haar werknemers indien so handeling of versuim 'n oortreding van die lisensievoorwaardes of 'n nadelige uitwerking op menslike gesondheid of die omgewing het.

45. **Hernuwing van lisensies**

- (1) 'n Lisensie hernuwingsaansoek moet minstens sestig dae voor die verstrykingsdatum daarvan ingedien word en moet binne dertig dae van ontvangs daarvan deur die munisipaliteit oorweeg en toegestaan of afgekeur word; in laasgenoemde geval moet skriftelike redes vir die afkeuring deur die munisipaliteit verstrekk word.
- (2) Nieteenstaande enigiets tot die teendeel in hierdie verordening, moet die munisipaliteit 'n lisensie tydelik, vir 'n tydperk wat nie dertig dae mag oorskry nie, verleng indien 'n diensverskaffer die korrekte prosedure soos beoog in subartikel (1) gevolg het en die hernuwingsaansoek as gevolg van munisipale prosesse nog nie oorweeg is nie.,

46. **Opskorting en herroeping van lisensies**

- (1) Die munisipaliteit mag 'n lisensie opskort of intrek indien 'n diensverskaffer versuim om enige van sy of haar lisensievoorwaardes of enige ander bepaling van hierdie verordening of enige nasionale of provinsiale wetgewing wat die verwydering, vervoer –en wegdoening van afval reguleer, na te kom of op enige ander gronde wat deur die munisipaliteit as genoegsame rede geag word om 'n lisensie te herroep of op te skort.
- (2) Die munisipaliteit moet 'n gelisensieerde diensverskaffer skriftelik kennis gee om binne dertig dae vanaf datum van die kennisgewing van die voorgenome opskorting of intrekking van sy of haar lisensie skriftelike redes in te dien waarom sodanige aksie nie deur die munisipaliteit geneem moet word nie.
- (3) Ongeag of verstoë vanaf die diensverskaffer ontvang is moet die munisipaliteit hom of haar binne 14 dae na verstryking van die tydperk vir verstoë van sy besluit in kennis stel.

47. **Vrystelling van lisensies**

Die munisipaliteit mag 'n diensverskaffer of kommersiële diens van enige of al die bepalings in Deel 1 van Hoofstuk 7 en sodanige ander artikels van hierdie erordening wat die munisipaliteit nodig ag, vrystel.

48. **Verbruikersverantwoordelikhede**

- (1) Die eienaar of okkupeerder van 'n perseel of die houer van afval wat met 'n gelisensieerde diensverskaffer kontrakkeer moet verseker dat—
- (a) die diensverskaffer se lisensie hom of haar magtig om die kategorieë van afval waarvoor hy of sy gekontrakkeer word te verwyder en te vervoer;
 - (b) totdat die gelisensieerde diensverskaffer die afval vanaf die perseel waar dit gegenereer is verwyder, die afval in 'n goedgekeurde houer geberg word en geen ergernis met betrekking tot stof, reuke of gesondheid in die proses van generering, berging of verwydering veroorsaak nie; en
 - (c) die diens slegs gelewer word vir die kategorieë van afval wat in die lisensie gemagtig is.

Deel 2

Munisipale Diensverskaffers

49. Uitkontraktering van dienste

Die munisipaliteit mag ooreenkomste aangaan met eksterne diensverskaffers vir die lewering van munisipale afvaldienste en aktiwiteite mits dit gedoen word in ooreenstemming met munisipale, provinsiale en nasionale wetgewing.

50. Verbruikershandves

Indien 'n diensverskaffer soos beoog in artikel 49 deur die munisipaliteit aangestel word om 'n diens te lewer aan 'n groot geografiese gebied of 'n aansienlike gedeelte van die bevolking, mag van die diensverskaffer vereis word om in oorleg met die gemeenskap 'n verbruikershandves saam te stel en te aanvaar.

HOOFSTUK 8

ALGEMEEN

51. Eienaarskap

- (1) Die persoon of entiteit wat die lisensie het om 'n afvalhantering – of afvalstortingsfasiliteit te bedryf word die eienaar van alle afval wat by sodanige fasiliteit gelewer word..
- (2) 'n Persoon wat huishoudelike –of besigheidsafval genereer is die eienaar daarvan totdat dit deur die munisipaliteit verwyder is.

52. Toegang tot persele

- (1) Indien die uitleg van 'n perseel die munisipaliteit verhinder om afval te verwyder of te hanteer of moontlik kan lei tot die beskadiging van private –of munisipale eiendom of die besering van munisipale werknemers, mag die munisipaliteit van die eienaar of okkupeerder vereis om op eie koste sodanige veranderinge as nodig, aan te bring om enige hindernisse te verwyder.
- (2) Indien die eienaar of die okkupeerder versuim of weier om aan die munisipaliteit se versoek gehoor te gee, mag die munisipaliteit die diens aan die perseel opskort en van die eienaar of okkupeerder vereis om die munisipaliteit skriftelik te vrywaar teen enige eise voortspruitend uit skade of beserings of enige ander eise wat uit die omstandighede mag voortspruit, alvorens die diens hervat word.

HOOFSTUK 9

NAKOMING EN AFDWINGING

53. Nakoming van hierdie verordening en ander wette

- (1) Die eienaar of okkupeerder van 'n perseel is verantwoordelik om nakoming van hierdie verordening te verseker.
- (2) Enige persoon of entiteit wat 'n lisensie of 'n magtiging wat met afval verband hou moet op versoek van 'n gemagtigde amptenaar bewys lewer van sodanige lisensi of magtiging.

54. Magtiging van 'n gemagtigde amptenaar

- (1) Die munisipaliteit of 'n diensverskaffer soos beoog ingevolge artikel 49 van hierdie verordening mag enige persoon in sy diens magtig om uitvoering te gee aan die bepalings van hierdie verordening.
- (2) Die afvalbestuursbeampte van die munisipaliteit is 'n gemagtigde amptenaar.

55. Funksies en magte van 'n gemagtigde amptenaar

'n Gemagtigde amptenaar mag werk uitvoer, 'n inspeksie doen, monitor en nakoming van hierdie verordening, asook nasionale en provinsiale wetgewing met betrekking tot afvalbestuur, afdwing.

56. Betekening van kennisgewings en dokumente

- (1) 'n Kennisgewing of dokument ingevolge hierdie verordening deur die munisipaliteit uitgereik, word geag behoorlik gemagtig te wees indien dit deur 'n gemagtigde amptenaar onderteken is.
- (2) Indien 'n kennisgewing of dokument ingevolge hierdie Verordening op 'n eienaar, okkupeerder of enige ander persoon beteken moet word sal dit geag word doeltreffend en afdoende aan sodanige persoon beteken te wees-
 - (a) wanneer dit aan hom of haar persoonlik beteken is of aan sy of haar behoorlik gemagtigde agent;
 - (b) wanneer dit by sy of haar woon, werk –of sakeadres gelaat is by 'n persoon wat klaarblyklik nie jonger as sestien jaar is nie en daar woonagtig of werksaam is;
 - (c) as hy of sy 'n adres vir regsdoeleindes genomineer het en dit by sodanige adres afgelewer is;
 - (d) as hy of sy nie 'n adres vir regsdoeleindes genomineer het nie, die aflewering daarvan by die adres deur hom of haar aangedui in sy of haar aansoek vir die voorsiening van afvaldienste vir die ontvangs van 'n rekening vir die voorsiening van afvaldienste;
 - (e) wanneer dit per voorafbetaalde, geregistreerde of gesertifiseerde pos na sy of haar laaste bekende adres gepos is en 'n erkenning van die pos daarvan verkry word;
 - (f) in die geval van 'n regspersoon, die aflewering daarvan by die geregistreerde kantoor of besigheidsadres van sodanige regspersoon; of
 - (g) indien dit nie kan geskied ingevolge subartikels (a) tot (f) nie, deur dit op 'n duidelik sigbare plek op die perseel betrokke te plaas.

57. Voldoeningskennisgewings

- (1) 'n Gemagtigde amptenaar mag 'n skriftelike kennisgewing uitreik aan enige persoon wat die bepalinge van hierdie verordening oortree.
- (2) 'n Kennisgewing ingevolge subartikel (1) moet-
 - (a) besonderhede gee van die bepaling van die verordening wat nie nagekom is nie;
 - (b) aan die eienaar, okkupeerder of ander party binne 'n bepaalde tyd 'n redelike geleentheid bied om verhoër te rig;
 - (c) die stappe uiteensit wat die eienaar, okkupeerder of ander persoon moet neem om die versuim reg te stel;
 - (d) die periode spesifiseer waarbinne die die eienaar, okkupeerder of ander persoon hierdie stappe moet neem om die versuim reg te stel; en
 - (e) aandui dat die munisipaliteit-
 - (i) indien die kennisgewing nie nagekom word nie, die werk self mag onderneem en die werklike koste van sodanige werk van die eienaar, okkupeerder of ander persoon verhaal; en
 - (ii) enige ander aksie mag neem om nakoming van die bepalinge van hierdie verordening te verseker.
- (3) Indien 'n eienaar of okkupeerder of enige ander persoon versuim om binne die neergelegde periode 'n geskrewe kennisgewing ingevolge hierdie verordening na te kom, mag die munisipaliteit sodanige aksie neem as wat nodig is om nakoming te verseker, insluitende-
 - (a) onderneming van die aksies of die werk nodig en verhaling van die koste van die eienaar, okkupeerder of ander persoon; of
 - (b) die instelling van regsaksie teen die eienaar, okkupeerder of ander persoon ingevolge die Strafproseswet, 1977 (Wet 51 van 1977).;
- (4) In 'n noodgeval mag die munisipaliteit sonder vooraf kennisgewing, die werk soos beoog in subartikel (2) onderneem en die koste van die eienaar, okkupeerder of ander persoon, verhaal.
- (5) Die werklike koste verhaalbaar deur die munisipaliteit ingevolge subartikels (3) en (4) sal insluit die volle koste geassosieer met sodanige werk.
- (6) In die geval waar nakoming van 'n kennisgewing binne 'n gespesifiseerde aantal werksdae vereis word, sal die aanvangsdatum van sodanige periode gereken word as die datum waarop die kennisgewing uitgereik is.
- (7) 'n Kennisgewing of dokument uitgereik ingevolge subartikel (2) is geldig totdat een van die volgende gebeur-
 - (a) dit uitgevoer is;
 - (b) dit deur die gemagtigde amptenaar wat dit uitgereik het gekanselleer word of, in daardie persoon se afwesigheid, 'n persoon met soortgelyke bevoegdheid;
 - (c) die doel waarvoor dit uitgereik is, verval het.

58. Mag van toegang en inspeksie

- (1) 'n Eienaar of okkupeerder moet, op versoek, aan 'n gemagtigde amptenaar toegang tot 'n perseel gee om sodanige inspeksie en ondersoek uit te voer as wat hy of sy nodig ag om enige oortreding van hierdie verordening te ondersoek en nakoming daarvan te verseker.
- (2) Wanneer hy of sy die perseel betree, moet die gemagtigde amptenaar, hom of haarself indien so vereis, identifiseer by wyse van 'n aanstellingsertifikaat.

59. Gebruik van geweld vir toegang

Die gebruik van geweld vir toegang tot 'n perseel mag slegs in 'n noodgeval geskied..

60. Aanspreeklikheid en vergoeding

Die munisipaliteit sal nie aanspreeklik wees vir skade of vergoeding voortspruitend uit enige iets wat deur die munisipaliteit ingevolge hierdie verordening gedoen is nie.

61. Valse verklarings of inligting

Niemand mag 'n valse verklaring aflê of valse inligting aan die munisipaliteit, 'n gemagtigde amptenaar of 'n werknemer van die munisipaliteit verskaf nie of 'n dokument uitgereik ingevolge hierdie verordening, vervals nie.

62. Beslaglegging en skut van voertuie

- (1) 'n Gemagtigde amptenaar mag sonder 'n lasbrief op 'n voertuig beslag lê en dit skut, indien sodanige voertuig gebruik word in die pleging van 'n misdryf, of indien redelike gronde bestaan om te glo dat sodanige voertuig gebruik is in die pleging van 'n misdryf ingevolge hierdie verordening.
- (2) Die gemagtigde beampte moet tydens die skut van die voertuig 'n kennisgewing aan die persoon in beheer van die voertuig uitreik waarin uiteengesit word-
 - (a) die rede vir die beslaglegging op die voertuig;
 - (b) 'n beskrywing van die voertuig waarop beslag gelê word;
 - (c) die adres en kontakbesonderhede van die aangewese skut;
 - (d) die betaling van 'n skutfooi; en
 - (e) die moontlikheid dat die voertuig, onderhewig aan 'n hofbevel, verkoop mag word om kostes te verhaal.
- (3) 'n Voertuig wat ingevolge subartikels (1) en (2) geskut is moet na 'n aangewese skut verwyder word waar dit bewaar sal word en ingevolge subartikel (4) mee gehandel sal word.
- (4) Die geskutte voertuig moet aan die regmatige eienaar vrygestel word onderhewig aan die volgende-
 - (a) indien daar nie binne 48 uur na die skut van die voertuig 'n kriminele klag aanhangig gemaak word of 'n boete uitgereik word nie;
 - (b) waar 'n kriminele aanklag teen die betrokke persoon teruggetrek word of indien hy of sy onskuldig bevind word op die aanklag teen hom of haar;
 - (c) indien die betrokke persoon skuldig bevind word aan 'n kriminele klag, en die hof nie andersins besluit nie, teen betaling van die skutfooi aan die Munisipaliteit; of
 - (d) teen betaling van 'n skulderkenningsboete uitgereik ingevolge artikel 56 van die Strafproseswet, 1977, (Wet 51 van 1977).

63. Appél

'n Persoon wie se regte geraak word deur 'n besluit van die munisipaliteit ingevolge gedelegeerde bevoegdheid, mag teen sodanige besluit appelleer ingevolge artikel 62 die Wet op Plaaslike Regering : Munisipale Stelsels, 2000, Wet 32 van 2000 deur skriftelike kennisgewing van die appél en die redes daarvoor binne 21 dae vanaf die datum van bekendmaking van die besluit, aan die munisipale bestuurder te gee.

64. Misdrywe

- (1) Dit is 'n oortreding vir enige persoon om-
 - (a) 'n gemagtigde amptenaar toegang te weier tot 'n perseel waartoe die gemagtigde amptenaar behoorlik gemagtig is om toegang te hê;

- (b) 'n gemagtigde amptenaar te verhinder of te belemmer in die uitvoering van sy of haar pligte;
 - (c) te weier of te versuim om 'n gemagtigde amptenaar te voorsien van 'n dokument of inligting wat die persoon ingevolge hierdie verordening moet voorsien;
 - (d) vals of misleidend inligting aan 'n gemagtigde amptenaar te gee;
 - (e) die eienaar van enige perseel of 'n persoon werksaam vir die eienaar te verhinder om die perseel te betree ten einde 'n vereiste van hierdie verordening na te kom;
 - (f) voor te gee dat hy of sy 'n gemagtigde amptenaar is;
 - (g) 'n magtiging aan 'n gemagtigde amptenaar of 'n geskrewe magtiging of 'n voldoeningskennisgewing of voldoeningssertifikaat uitgereik ingevolge hierdie verordening, te verander;
 - (h) enige perseel sonder 'n geskrewe kennisgewing te betree onder omstandighede wat sodanige kennisgewing vereis;
 - (i) op te tree in stryd met 'n geskrewe kennisgewing of dokument uitgereik ingevolge hierdie verordening;
 - (j) enige inligting rakende die finansiële of besigheidsaangeleenthede van enige persoon wat verkry is in die uitvoering van enige funksie of enige magte ingevolge hierdie verordening, openbaar te maak, behalwe—
 - (i) aan 'n persoon wat die inligting benodig om 'n funksie of 'n mag ingevolge hierdie verordening, uit te voer;
 - (ii) as die openbaarmaking deur 'n hof beveel is; of
 - (iii) as die openbaarmaking 'n nakoming van die bepalings van enige wet is.
 - (k) enige bepaling van hierdie verordening te oortree of versuim om dit na te kom;
 - (s) te versuim om enige kennisgewing uitgereik ingevolge hierdie verordening na te kom;
 - (t) te versuim om enige wettige opdrag uitgereik ingevolge hierdie verordening na te kom;
 - (u) enige voorwaardes neergelê vir die uitreiking van enige lisensie, goedkeuring, konsessie, vrystelling of magtiging ingevolge hierdie verordening, te oortree of te versuim om dit na te kom.
 - (v) wegdoen of storting van enige volume afval of gevaarlike afval;
 - (w) storting of lekkasie van enige volume afval of gevaarlike afval te veroorsaak sonder om verligtingsmaatreëls in te stel;
 - (x) onbedekte of onbeveiligde vrag afval of gevaarlike afval van enige volume te vervoer; of
 - (y) onbedekte of onbeveiligde vrag te vervoer wat die storting of lekkasie van enige volume afval of gevaarlike afval veroorsaak.
- (2) 'n Persoon wat veroorsaak dat 'n ander persoon 'n misdryf soos verwys in subartikel (1) begaan of wat uit hoofde van 'n posisie van gesag oor 'n ander persoon, hom of haar toelaat of toestemming gee om 'n misdryf te begaan, sal skuldig wees aan daardie misdryf.
- (3) Versuim om te voldoen aan 'n kennisgewing uitgereik ingevolge hierdie verordening maak 'n voortdurende misdryf uit.

65. Boetes

- (1) Enige persoon wat enige van die bepalings van artikel 64 oortree is skuldig aan 'n misdryf en by skuldigbevindinging blootgestel aan-
- (a) 'n boete of tronkstraf of sodanige tronkstraf sonder die opsie van 'n boete of aan beide sodanige boete en sodanige tronkstraf; en
 - (b) in die geval van 'n voortdurende misdryf, aan 'n addisionele boete of 'n addisionele periode van tronkstraf of aan sodanige addisionele tronkstraf sonder die opsie van 'n boete of aan beide sodanige addisionele boete en tronkstraf vir elke dag waarop sodanige misdryf voortduur; en
 - (c) 'n verdere bedrag gelykstaande aan enige kostes en uitgawes deur die munisipaliteit aangegaan as gevolg van sodanige oortreding of versuim.
- (2) Bykomend tot enige straf opgelê ingevolge subartikel (1), mag die Munisipaliteit die verantwoordelike persoon opdrag gee om sodanige afval te verwyder en bepaal watter stappe geneem moet word om die situasie reg te stel en die vergoeding van uitgawes of enige ander koste of skade ten opsigte daarvan.

66. Toepassing van hierdie Verordening

Hierdie Verordening is van toepassing op alle persone of entiteite, insluitende staatsinstellings, geleë binne jurisdiksiegebied van Drakenstein Munisipaliteit.

67. Vrystellings

- (1) Enige persoon mag deur middel van 'n skriftelike aansoek, waarin die redes gegee word, by die munisipaliteit aansoek doen om vrystelling van enige bepaling van hierdie verordening.
- (2) Die munisipaliteit mag
 - (a) skriftelik vrystelling verleen en die voorwaardes ingevolge waarvan, indien enige, en die tydperk waarvoor sodanige vrystelling verleen word, daarin vermeld
 - (b) enige vrystelling of voorwaarde in 'n vrystelling wysig of kanselleer na behoorlike kennisgewing aan die betrokke persoon; of
 - (c) weier om 'n vrystelling te verleen in welke geval redes vir die weiering aan die betrokke persoon verstek moet word.
- (3) 'n Vrystelling tree nie in werking voordat die aansoeker skriftelik onderneem het om te voldoen aan al die voorwaardes wat deur die munisipaliteit ingevolge subartikel (2) opgelê is; met dien verstande dat indien 'n aktiwiteit begin word voordat sodanige onderneming aan die munisipaliteit voorgelê is, die vrystelling verval.
- (4) Indien enige voorwaarde van 'n bestaande vrystelling nie nagekom word nie, mag die munisipaliteit die vrystelling kanselleer na behoorlike kennisgewing aan die betrokke persoon.

68. Herroeping van verordeninge

Die volgende verordeninge word hiermee herroep:

- (a) Drakenstein Munisipaliteit: Verordening insake Vullisverwydering, 13/2007;
- (b) Drakenstein Munisipaliteit: Verordening insake die Beheer oor Stortingsterreine, 17/2007 – (a) en (b) beide gepubliseer in Provinsiale Koerant No. 6426 van 16 Maart 2007.
- (c) Drakenstein Munisipaliteit: Geïntegreerde Afvalbestuursverordening afgekondig in Provinsiale Koerant No. 7184 gedateer 4 Oktober 2013.

69. Oorgangsbepalings

Enigiets wat gedoen is ingevolge enige bepaling van 'n verordening wat deur hierdie verordening herroep word, sal geag word as gedoen te wees ingevolge die ooreenstemmende bepaling van hierdie verordening en die herroeping in artikel 68 sal nie die geldigheid affekteer van enigiets wat gedoen is ingevolge die verordening wat as sodanig herroep is nie.

70. Kort titel en inwerkingtrede

Hierdie Verordening staan bekend as die Drakenstein Munisipaliteit: Geïntegreerde Afvalbestuursverordening, 2020 en tree in werking by afkondiging in die *Provinsiale Koerant*.

DR JH LEIBBRANDT
STADSBESTUURDER



Western Cape
Government

BETTER TOGETHER.

IMPORTANT NOTICE

CALL FOR NOMINATIONS TO FILL VACANCIES ON THE BOARD OF WESGRO

In terms of Sections, 5 and 6 of the Western Cape Investment and Trade Promotion Agency Act, 1996 (Act 3 of 1996), hereafter referred to as "the Act", Minister of Finance and Economic Opportunities, Mr David Maynier, in consultation with the Executive Mayor of the City of Cape Town, Mr Dan Plato, invites interested parties to submit the names of fit and proper persons to be considered for appointment to the Board of the Western Cape Tourism, Trade and Investment Promotion Agency (Wesgro). There is a vacancy on the Board. This appointment will be made in terms of Section 3 of the Act and concerns the filling of vacancies. In terms of Section 3(2)(c) subject to subsection (3), no more than ten directors must be appointed by the Minister.

To be eligible for appointment, nominees must comply with the criteria set out in subsections 3(4)(b), 3(5) and 3(6) of the Act, which read as follows:

"3(4)(b) The directors of the Board must, in addition to meeting the criteria contemplated by subsection(5), occupy a leadership position and have proven leadership abilities.

- 3(5) Any director, including an ex officio director, must—
- (a) have knowledge of tourism, trade and investment;
 - (b) have experience in the promotion of tourism, trade and investment;
 - (c) be able to contribute to the integrated and coordinated marketing of the Province's business image;
 - (d) reside permanently in the Province; and
 - (e) be a fit and proper person.

3(6) The Minister must give due consideration to the need for the Board to reflect broadly the demographic composition of the Province."

Shortlisted nominees must be willing to submit to financial and background vetting as a condition to the appointment. In terms of Section 3A of the Act, the successful nominee will be expected to serve for the remaining period of office of the current Board. His or her responsibilities will include attending the annual general meeting and the meetings of the Board held in such fashion and at such times as set out in the constitution, as well as other duties and functions specified in the Act.

Nominations must be submitted on the prescribed nomination form and be accompanied by a comprehensive curriculum vitae of the nominee. Nomination forms are available from Khuselwa.Ncwana@westerncape.gov.za or the Western Cape Government website (www.westerncape.gov.za).

Applications must be marked "Wesgro Board Nomination" for the attention of Ms Ilse van Schalkwyk and sent to the Chief Director: Economic Sector Support by one of the following means:

- By post: PO Box 979, Cape Town, 8000.
- By hand: 10th Floor, Waldorf Building, 80 St George's Mall, Cape Town.
- By email: Khuselwa.Ncwana@westerncape.gov.za with the subject line "Wesgro Board Nomination".

All nominations will be treated as strictly confidential. Nominations must be received on or before 12:00 on 26 June 2020. No incomplete nominations or nominations received after 12:00 on the specified date will be considered.

Enquiries: Ilse van Schalkwyk, tel. 021 483 9494 or Khuselwa Ncwana, tel. 021 483 9102.

Note: **Nominations close at 12:00 on 26 June 2020.** The Western Cape Investment and Trade Promotion Agency Act, 1996 (Act 3 of 1996) (as amended) and the nomination forms are available at www.westerncape.gov.za



Wes-Kaapse
Regering

BETER TESAME.

BELANGRIKE KENNISGEWING

VERSOEK VIR BENOEMINGS OM VAKATURES TE VUL IN DIE RAAD VAN WESGRO

Ingevolge Artikels 5 en 6 van die Wet op die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap, 1996 (Wet 3 van 1996), voortaan bekend as “die Wet”, Minister van Finansies en Ekonomiese Geleenthede, Mnr. David Maynier, in oorleg met die Uitvoerende Burgemeester van die Stad Kaapstad, Mnr. Dan Plato, belangstellende partye om die name van geskikte en paslike persone voor te lê wat vir aanstelling op die Raad van die Wes-Kaapse Toerisme, Handels- en Investerings-bevorderingsagentskap (Wesgro) oorweeg moet word. Hierdie aanstelling sal ingevolge Artikel 3 van die Wet gemaak word en behels die vulling van vakatures. Ingevolge Artikel 3(2)(c), onderhewig aan subartikel (3), moet nie meer as tien direkteure deur die Minister aangestel word nie. Ten einde vir aanstelling in aanmerking te kom, moet benoemdes voldoen aan die kriteria uiteengesit in subartikels 3(4)(b), 3(5) en 3(6) van die Wet, wat as volg lees:

“3(4)(b) Die direkteure van die Raad moet, afgesien van voldoening aan die kriteria in subartikel(5) gestel, ’n leierskapsposisie beklee en oor bewese leierskapsvermoë beskik.

3(5) Enige direkteur, insluitende ’n ex officio direkteur, moet—

- (a) oor kennis van toerisme, handel en investering beskik;
- (b) oor ondervinding in die bevordering van toerisme, handel en investering beskik;
- (c) in staat wees om by te dra tot die geïntegreerde en gekoördineerde bemerking van die Provinsie se sakebeeld;
- (d) permanent woonagtig wees in die Provinsie; en
- (e) ’n geskikte en paslike persoon wees.

3(6) Die Minister moet gepaste oorweging skenk aan die noodsaaklikheid van die Raad om breedweg die demografiese samestelling van die Provinsie te verteenwoordig.”

Sy of haar verantwoordelikhede sal insluit bywoning van die algemene jaarvergadering en die vergaderings van die Raad gehou op sodanige wyse en op tye soos in die grondwet bepaal, asook ander pligte en funksies wat in die Wet gespesifiseer word.

Benoemings moet voorgelê word op die voorgeskrewe benoemingsvorm en vergesel wees van ’n omvattende curriculum vitae van die benoemde. Benoemingsvorms is verkrygbaar by Khuselwa Ncwana (Khuselwa.Ncwana@westerncape.gov.za) of by die Wes-Kaapse Regering se webtuiste (www.westerncape.gov.za).

Aansoeke moet gemerk word “Wesgro Raadsbenoeming” vir die aandag van me. Ilse van Schalkwyk en op een van die volgende wyses aan die Hoofdirekteur: Ekonomiese Sektor-ontwikkeling gerig word:

- Per pos: Posbus 979, Kaapstad, 8000.
- Per hand: 10de Vloer, Waldorfgebou, St. George-wandellaan 80, Kaapstad.
- Per e-pos: Khuselwa.Ncwana@westerncape.gov.za met die onderwerp “Wesgro Raadsbenoeming”.

Alle benoemings sal as streng vertroulik hanteer word. Benoemings moet op of vóór 12:00 op 26 Junie 2020 ontvang word. Geen onvolledige benoemings of benoemings wat ná 12:00 op die spesifieke datum ontvang word, sal oorweeg word nie.

Navrae: Ilse van Schalkwyk tel. 021 483 9494 of Khuselwa Ncwana, tel. 021 483 9102.

Let wel: **Benoemings sluit om 12:00 op 26 Junie 2020.** Die Wet op Wes-Kaapse Handels- en Investeringsbevorderingsagentskap, 1996 (Wet 3 van 1996) en die benoemingsvorms is beskikbaar by www.westerncape.gov.za.



URhulumente
weNtshona Koloni

UBAMBISWANO NGAMANDLA.

ISAZISO ESIBALULEKILEYO

IKHWELO LOTYUMBO LOKUGCWALISA IZITHUBA KWIBHODI YE-ARHENTE YOKHUTHAZO LOKHENKETHO, URHWEBO NOTYALO-MALI ENTSHONA KOLONI (WESGRO)

Ngokwemiqathango yecandelo 5 necandelo 6 oMthetho iWestern Cape Investment and Trade Promotion Agency Law Act, 1996 (UMthetho 3 ka-1996) obizwa apha ngokuba “nguMthetho”, Umphathiswa weziMali namathuba oQoqosho eNtshona Koloni, uMnu David Maynier, ekunye noSodolophu oLawulayo weSixeko saseKapa, uMnu Dan Plato, bahlaba ikhwelo kubo bonke abanomdla ukuba bafake igama lomntu abacinga ukuba ukulungele yaye uya kufaneleka ukuqeshwa kwiBhodi ye-Arhente yokuKhuthaza uKhenketho, uRhwebo noTyalo-mali yeNtshona Koloni (i-Wesgro). Olu tyumbo luya kwenziwa ngokwemiqathango yeCandelo 3 loMthetho omalunga nokuzaliswa kwezithuba. Ngokwemiqathango yecandelo 3(2)(c) kuxhomekeka kwicandelwana (3), akuvumelekanga ukuba uMphathiswa aqeshe abalawuli abangaphezu kweshumi.

Ukuze ulungele ukungena kule Bhodi, kufuneka abatyunjwa bathobele uluhlu oluxelwe kwicandelwana 3(4)(b), 3(5) necandelwana 3(6) oMthetho afundeka ngolu hlobo:

“3(4)(b) Aba Balawuli beBhodi kufuneka ukuba, phezu kokuba bethe bayifezekisa le miqathango ikhankanywe kwicandelwana (5), babe ngabantu abakwizihlalo zobunkokeli nabanezakhono zobunkokeli ezivunyiweyo.

- 3(5) Nawuphi na umlawuli, kuquka nomlawuli olilungu ngenxa yesikhundla, kufuneka—
- abe nolwazi ngokhenketho, urhwebo, notyalo-mali;
 - abe namava kukhuthazo lokhenketho, urhwebo notyalo-mali;
 - akwazi ukufaka isandla kwiinkqubo zokwazisa ezimanyanisiweyo nezisebenza ngendlela eyiyo ekuthengiseni imbonakalo yePhondo ngokuphathelele kwimicimbi yezoshishino;
 - abe ngummi osisigxina kwiPhondo; kwaye
 - abe ngumntu okulungeleyo nofanelekileyo ukuba kwesi sikhundla.

- 3(6) UMphathiswa kufuneka eyithathele ingqalelo enkulu imfuneko yokuba iBhodi le mayikubonakalise ukuma kwamanani abantu beli Phondo nezintlu zabo.”

Uxanduva lwabo luya kuquka ukuzimasa intlanganiso yonyaka neentlanganiso zeBhodi ezibanjwa ngendlela nangamaxsha andlalwe kumgaqo-siseko, neminye imisebenzi ebalulwe kuMthetho.

Utyumbo kufuneka lube kwifomu emiselwe oko kwaye lukhatshwe yinkcazelo ebanzi ngezifundo nobomi bomntu lowo (i-CV). Ifomu yotyumbo iyafumaneka kuKhuselwa Ncwana (Khuselwa.Ncwana@westerncape.gov.za) okanye kwiwebhusayithi kaRhulumente weNtshona Koloni (www.westerncape.gov.za).

Izicelo zimele ziphawulwe “Utyumbo lweBhodi ye-Wesgro” kwanokuba ziya kuNks Ilse van Schalkwyk yaye zimele zithunyelwe kuMlawuli oyiNtloko: iCandelo leNkxaso yezoQoqosho ngenye yezi ndlela zilandelayo:

- Ngeposi: PO Box 979, Cape Town, 8000.
- Ngesandla: 10th Floor, Waldorf Building, 80 St George’s Mall, eKapa.
- Nge-imeyile: Khuselwa.Ncwana@westerncape.gov.za ngomxholo othi “Utyumbo lweBhodi yeWesgro”

Zonke iziphakamiso ziya kuphathwa njengeziyimfihlo ngokungqongqo. Iziphakamiso zotyumbo mazingeniswe ngaphambi kwentsimbi ye-12:00 ngomhla, okanye ngaphambi kwawo, we 26 EkaCanzibe 2020. Iifomu zotyumbo ezingagcwaliswanga ngokupheleleyo okanye ezifunyenwe emva kwentsimbi ye-12:00 ngolu suku luchaziweyo azisayi kuqwalaselwa.

Imibuzo mayithunyelwe kullse van Schalkwyk, inombolo yomnxeba 021 483 9494 okanye kuKhuselwa Ncwana, inombolo yomnxeba 021 483 9102.

Gaphela: **Utyumbo lualwa ngeye-12:00 ngomhla we 26 EyeSilimela 2020** UMthetho iWestern Cape Investment and Trade Promotion Agency Act (njengoko wenziwe izilungiso) neefomu zotyumbo ziyafumaneka kwiwebhusayithi ethi www.westerncape.gov.za

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Whilst every effort will be made to ensure that notices are published as submitted and on the date desired, the Administration does not accept responsibility for errors, omissions, late publications or failure to publish.

All correspondence must be addressed to the Director-General, PO Box 659, Cape Town 8000, and cheques, bank drafts, postal orders and money orders must be made payable to the Department of the Premier.

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Kennisgewings moet die Direkteur-generaal voor 10:00 op die voorlaaste werksdag voor die uitgawe van die *Koerant* bereik.

Hoewel alle pogings aangewend sal word om te sorg dat kennisgewings soos ingedien en op die vereiste datum gepubliseer word, aanvaar die Administrasie nie verantwoordelikheid vir foute, weglatings, laat publikasies of versuim om dit te publiseer nie.

Alle briefwisseling moet aan die Direkteur-generaal, Posbus 659, Kaapstad 8000, gerig word en tjeks, bankwissels, posorders en poswissels moet aan die Departement van die Premier betaalbaar gemaak word.

